

SCHOOL LAW
AND
EDUCATIONAL SYSTEM OF MICHIGAN

TAPPAN

SCHOOL LAW

—AND A—

HISTORY AND DESCRIPTION

—OF THE—

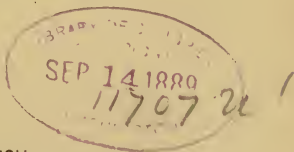
EDUCATIONAL SYSTEM

—OF—

MICHIGAN.

✓
BY HARVEY TAPPAN, LL. B.

7



PORT HURON, MICH.

THE SHERMAN COMPANY, PRINTERS AND BINDERS.

1889.

L A 307
T 3

COPYRIGHTED
BY HARVEY TAPPAN.
1889.

NOTE.

During several years' experience in the school room and in connection with my work as a member and Secretary of the Board of Examiners for this county, I have frequently found myself in need of information concerning the educational system of the State, and have often been called upon by teachers, officers, and others for directions concerning their rights, duties, and responsibilities as defined by the statutes and the common law of the school.

In this manner was accumulated a large portion of the data upon which this work is founded. The frequency with which this information is called for and the fact that there is nothing in circulation containing a summary of these matters led to its production.

In securing this data I have frequently relied upon various reports, works, and writings of others, and hereby tender a general acknowledgment of assistance from the use of the following: Bancroft's History of the United States; McMaster's History of the People of the United States; Sheldon's Early History of Michigan; Judge Cooley's History of Michigan; Judge Campbell's Outlines of the Political History of Michigan; Silas Farmer's History of Detroit and Michigan; The

Address of President J. M. B. Sill at the Semi-Centennial of the Admission of Michigan into the Union; The Address of President James B. Angell at the Semi-Centennial of the University; Harper Brothers' Power and Authority of Teachers; Bardeen's School Law; Burke's Law of Public Schools; Reports of the Educational Departments of the several States and of the Nation; as well as Supreme Court Reports of many States.

In addition to this I gratefully acknowledge my indebtedness to many old pioneers for much information concerning education and the general management of schools during the Territorial period.

Far from considering the work above criticism, yet trusting that it contains facts, descriptions, and discussions that will be of value to such as may use it, this work on our educational system is most respectfully submitted.

HARVEY TAPPAN.

YALE, MICH , 1889.

CONTENTS.

PART I.

HISTORY AND DESCRIPTION.

CHAPTER I.

PAGE.

Early History,	9
Ordinance of '87,	11
Territorial Acts,	10

CHAPTER II.

The Primary School Fund,	15
The University Fund,	15
The Agricultural College Fund,	15
The Normal School Fund,	16
Sale of School Lands,	17

CHAPTER III.

Territorial Schools,	19
Boarding Around,	22
The Settler's Home,	23
The Rate Bill,	26
Free Schools,	28
Revision of the Constitution,	29

CHAPTER IV.

The State Normal School,	31
The Agricultural College,	33
The Michigan Mining School,	37
The University of Michigan,	38

CHAPTER V.

The State Public School for Dependent Children, . .	44
The Reform School for Boys,	47
The Industrial Home for Girls,	50
School for the Deaf and Dumb,	52
School for the Blind,	53

CHAPTER VI.

Denominational and Private Schools and Colleges, . .	55
--	----

PART II.

CONSTITUTIONAL AND STATUTORY PROVISIONS.

CHAPTER I.

	PAGE.
Constitutional Provisions,	61
The Regents of the University,	62
The State Board of Education,	62

CHAPTER II.

Formation and Alteration of Districts,	64
Fractional Districts,	64

CHAPTER III.

Annual and Special Meetings,	66
Qualifications of Voters,	67
Powers of Voters at District Meetings,	67

CHAPTER IV.

The District Board,	69
Powers of the Board,	71

CHAPTER V.

The Township Board of School Inspectors,	74
--	----

CHAPTER VI.

Township and District Libraries,	76
--	----

CHAPTER VII.

	PAGE.
Qualified Teachers,	78
Examinations,	78
Branches Required,	79
Certificates,	80
Revocation and Suspension,	80
Indorsing Certificates,	81
Normal School and State Certificates,	82
Institute Fees,	83
Teachers' Contracts,	84
Holidays,	85

CHAPTER VIII.

Primary School Money,	87
The One-mill Tax,	88
The Dog Tax,	88
District School Taxes,	88
Forfeiture of School Moneys,	89

CHAPTER IX.

Free Text-books,	91
----------------------------	----

CHAPTER X.

The Board of Examiners,	94
Secretary of the Board,	95

PART III.

SUPREME COURT DECISIONS.

	PAGE.
Rules and Regulations,	101
Contracts,	103
Janitor Work,	107
Detention of Pupils after School Hours,	108
Absence on Church Holy Days,	109
Irregular Attendance and Tardiness,	115
Acts of Pupils Committed out of the School room . . .	120
Selection of Studies,	124
The Bible in the School room,	134
Corporal Punishment,	144
Suspension and Expulsion,	150
Length of Time Suspension may be Enforced,	153



PART I.



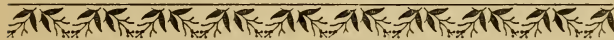
HISTORY AND DESCRIPTION

—OF THE—

EDUCATIONAL SYSTEM

—OF—

MICHIGAN.



CHAPTER I.

COLONIAL ORDINANCES

AND

NATIONAL LEGISLATION.

It is a remarkable but historical fact that the lands which are the basis of the magnificent educational funds which help to support our schools and colleges, together with those surrounding them, were at one time a serious obstacle to the formation of the States into a national government.

Probably no one thing more seriously interfered with the formation and adoption of the Constitution of the United States than the question of occupation and control of the territory north of the Ohio and east of the Mississippi.

So early as 1776, it was proposed that the Congress of the Confederation should take possession of this territory, the extent and boundaries of which were then unknown and much of which had not been explored.

The proposed Ordinance gave Congress the power to fix the boundaries of the colonies "which were said to extend to the South Sea."

It was not disputed that each of the colonies had control of the public domain within its borders, but at that time there was no occupation of territory by the colonies *as a nation*; and the people were unwilling to be controlled by a centralized power, or to grant Congress the power to legislate for the independent control of unoccupied territory. For these reasons the proposed measure was opposed by delegates present, and this is true of other measures of a similar character, and thus these lands became a serious obstacle to the formation of the national government. In 1784, Thomas Jefferson proposed an Ordinance to locate and dispose of these public lands. In accordance with its provisions the territory was to be divided into townships ten miles square, and these into hundredths one mile square. It also contained many remarkable provisions which were to secure civil rights and religious freedom for the settlers of the new territory. This Ordinance was not voted upon, but it had much influence upon subsequent legislation pertaining to the religious liberties and educational interests of the people.

In 1785, Congress passed an act which provided for the sale of lands in the Northwest Territory. This act reserved "Section 16" of every township that should thereafter be formed in that vast territory for the support of public schools.

In 1787, the celebrated Ordinance was passed, providing for the government of the territory in

question. The lands were ceded to a company, composed of veterans of the Revolution, for the purpose of colonization, and there was reserved a lot for the maintenance of public schools in every township; another lot for the purposes of religion, and four complete townships "which shall be of good land and near the centre" for the maintenance of a University.

This Ordinance of 1787 embodied the best portions of its predecessors, and has well been termed by President Angell "The Great Charter of freedom and intelligence for this region," for it not only secured the blessings of universal education, but it also decreed that the blighting influence of slavery should never prevail in the States to be formed within the Territory.

The clause which provides for the exclusion of slavery was copied from Jefferson's proposed Ordinance; and its adoption was earnestly advocated by Richard Henry Lee, William Grayson and Rufus King.

This question occasioned much debate and at one time it was defeated by a single vote, but when the Ordinance of '87 was passed there was but a single vote against the clause excluding it.

Slavery had a depressing influence upon the educational interests of those States which supported it, and in many localities universal education was unknown. We may estimate the value of this clause in the Ordinance from the immeasurable

benefits that have been derived from universal education in schools that are free to all classes.

The memorable article which makes the establishment and maintenance of common schools imperative and permanent for all time to come reads as follows: "Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

The Ordinance contains the following provisions of compact which are perpetual and binding upon all the States, and which are the very foundations of liberty, civilization and education:

1. The occupation and control of the Territory by the Nation and not by separate States.
2. Religious freedom for all.
3. The right of trial by jury.
4. The immediate exclusion of slavery from the Territory.
5. The assignment of lands for the maintenance of public schools and a University in each State formed within the Territory.

These grand provisions were either advocated or indorsed by Washington, Thomas Jefferson, Rufus King, Richard Henry Lee, James Monroe, Edward Randolph, William Grayson, and other worthy patriots who devoted their lives and energies to the founding of a nation of freemen to live in the light of morality and education.

In 1804, an act of Congress provided for the sale

of the unoccupied lands in what was then known as the Territory of Indiana, and which now comprises the States of Michigan, Indiana, Illinois and Wisconsin; and this act also repeated the previous reservation of "Section 16," and provided that the lands should be used solely for the support of common schools. There was also a reservation of a township in each of the divisions for a seminary of learning.

In 1805, the Territory of Michigan was organized, and the act by which it was created again saved for the people the school lands previously reserved.

In 1828, the Governor and Council of the Territory were given control of these school lands, and provisions were then made whereby they were to carry out the intent and purposes of the original grant.

In 1836, Michigan was admitted into the Union, and one of the terms upon which it was admitted was the reservation and use of "Section 16" for the maintenance of common schools.

CHAPTER II.

THE TRUST FUNDS.

Upon its admission into the Union the State assumed the management of the lands previously granted by Congress. In accordance with Constitutional provisions and acts of the Legislature these lands were sold and the State has become trustee for the funds thus obtained.

The acts which created these funds provide that the State shall pay a fixed rate of interest annually upon the amount credited to each fund. There are five such funds, as follows:

1. The Primary School Fund, derived from the sale of "Section 16."

2. The Primary School Fund, derived from the sale of swamp lands ceded by the State.

3. The University Fund, derived from the sale of lands granted by the National and State Governments.

4. The Agricultural College Fund, derived from the sale of lands appropriated by the General Government.

5. The Normal School Fund, derived from the sale of "Salt Spring Lands" ceded by the State.

THE PRIMARY SCHOOL FUND.

The fund derived from the sale of "Section 16" of each township draws seven per cent. per annum, and that which comes from one-half of the cash proceeds of the sale of Swamp Lands draws five per cent. per annum.

In addition to the amount received from these sources, a large amount of money is received from the payment of specific taxes to the State by railway, street car and insurance companies, and other corporations. The amount received from all these sources is known as the Primary School Interest Fund, and this is used solely for the support of common schools in townships, villages and cities.

THE UNIVERSITY FUND.

The basis of this fund is the land ceded by the Indians in 1817, together with an additional grant by the General Government, in 1826, two townships and three sections in all. These lands have been sold at an average price of about twelve dollars per acre, and the proceeds from these sales constitute the University Fund, upon which the State, in accordance with an act of the Legislature, pays interest at seven per cent. per annum, and this amount is expended to help support the University.

THE AGRICULTURAL COLLEGE FUND.

*The lands which support this fund were granted by the General Government and also by the State.

These lands are sold by the State and the proceeds from such sale draw seven per cent. per annum, payable by the State, and the amount thus obtained is used for the support of the Agricultural College.

THE NORMAL SCHOOL FUND.

This fund is composed of the proceeds from the sale of "Salt Spring Lands." There were twenty-five sections of these lands, granted by the State, and the proceeds from the sale of these are appropriated to the support of the State Normal School. The fund draws six per cent. per annum, payable by the State.

—

These funds are all perpetual and the amounts derived from them are increasing. While the State is primarily liable for the payment of the amounts of interest mentioned, there is at present no direct tax for their payment; as, in accordance with an act of the Legislature, the specific taxes paid by railroad companies and other corporations are used for that purpose. The amount thus obtained from these corporations is not only sufficient to pay the interest upon all of the Trust Funds, but, in addition to this, there is also a large surplus annually from this source and this amount is added to the principal of the funds. By this means the fund is annually increased and the income therefrom becomes greater.

SALE OF SCHOOL LANDS.

The Legislature has made provision for the sale of all lands set apart by the General Government or by the State for educational purposes. The location and disposal of these lands are in charge of the Commissioner of the State Land office. In some cases the land is sold and the price thereof is paid at the time the title is transferred. In other instances but a portion of the consideration is paid and a Certificate for School Land, which is in effect a contract for the purchase of land, is given and the purchaser may either pay the interest upon the unpaid amount or may pay the principal; in which case he will receive a deed from the State.

Although Michigan has made much better use of the school lands set apart for her use than some of the States carved out of the Northwest Territory, still it is to be regretted that these lands have been the subject of much unwise legislation that has been very detrimental to our educational interests.

The price of the University lands was originally fixed at twenty dollars per acre, and that of the primary school lands at not less than eight dollars per acre. Because of the financial difficulties in 1837, many of those who had contracted for these lands, and had in many instances improved them, were forced to surrender them to the State. As a result the price of school lands was several times reduced by the Legislature. In many instances

these reductions were uncalled for; in others the reduction was greater than justice demanded. The direct result was the immediate loss of more than one-half of the various funds.

CHAPTER III.

THE COMMON SCHOOL SYSTEM.

TERRITORIAL SCHOOLS.

Little can be ascertained concerning the early Territorial schools except from the requirements of the various acts that established them. The manner of conducting them and what the facilities for school work were can only be ascertained from pioneers. A few of these venerable men and women who devoted the best portion of their lives to the work of founding the State and preparing it for the enjoyment of the present and future generations are still with us; and from them we learn how they contended with disadvantages that would have discouraged a less noble and energetic people.

President J. M. B. Sill, of the State Normal School, gives the following extract from a paper by Miss Lucy P. Salmon, entitled Education During the Territorial Period. Professor Sill makes use of the extract in his exhaustive paper on The Common and State Normal Schools, given at the Michigan Semi-Centennial, in 1886. It throws much light upon the subject under consideration and is as follows:

“As the population gradually extended beyond

Detroit, schools were started; but of their primitive character at this, as well as at a much later period we have abundant evidence in the reminiscences given us by the pioneers of the State. The school-house was of logs, and there were no complaints of lack of ventilation. Oiled paper generally answered the purpose of window glass. The doors were hung on wooden hinges, while one side of the room was given up to the fire-place. Slabs furnished with legs were in general use, answering the double purpose of seats in-doors, and of sleds out-of-doors; while desks were formed by placing planks upon pins driven into the sides of the room. The modern appliances for teaching were unknown. Even in the aristocratic centre of Detroit, John Monteith used for his blackboard a shallow box of sand.

"The branches taught were reading, writing, spelling and arithmetic, and sometimes, but not often, geography and grammar. Reading and spelling were made specialties, and the average pupil graduated from arithmetic as soon as he reached vulgar fractions.

"Each child provided whatever text book was convenient, and even in Detroit it was not unusual to find in the same class half a dozen different readers and as many arithmetics.

"The inducements held out to enter the profession (of teaching) were the privilege of boarding around, and four or five dollars per month, though in some districts the extravagant price of fourteen dollars

per month was sometimes paid during the winter term. Occasionally pay was taken in farm produce or in labor, nearly all the schools being supported by voluntary contributions.

"The teacher, on his part, was 'to keep the school' six days in the week from six to eight hours per day."

The above description of the schools of this period is substantiated by Judge Cooley in his History of Michigan, and it is undoubtedly accurate in every particular.

Since the teacher is but a production of the school, it is certain that the instructors of that day were incompetent to impart much information. The prime requisite was to "keep order" and it was generally maintained that this must be accomplished by a liberal application of "blue-beech," while in some instances the teacher's hobby was to "keep a school so still that you could hear a pin drop," probably never realizing that he was crushing the very life out of the work before him.

In other cases the sturdy boys whose every-day life was such as to develop a wonderful amount of brawn, refused to be placed under such rigid discipline, and in some neighborhoods the teacher who could finish a winter term without being "whipped" or thrown out of doors, was lucky indeed. But such cases were exceptional, and the teacher was usually well used and regarded as one of the most useful members of society.

The paper in use was usually unruled, and each pupil was expected to whittle out a rule, and from a leaden bullet (which could be found in every home) to pound and whittle out a pencil. With these the paper was ruled for those who wrote. The copies were always set by the teacher and usually consisted of the sayings of "Poor Richard," a line from one of Watt's hymns or a quotation from the Bible. Steel pens were unknown in the school-room, and it was part of the teacher's work to manufacture pens for the use of his pupils from the quills of geese or wild fowls. From the use of the small knife for this purpose we have our present "pen-knife." The ink used was made at home, usually from the bark of the soft maple or witch-hazel, or from the red fruit of the sumach.

The Saturday holiday was unthought of and school continued during the six working days of the week, and usually from eight o'clock in the morning till five o'clock in the afternoon during the summer term. At a later date the school week was shortened by giving a half holiday every second Saturday, and soon after a half holiday each Saturday. This was sometimes varied by teaching each alternate Saturday.

BOARDING AROUND.

During this period the practice of boarding around was in vogue. From the number of weeks that school was to be taught and the number of children in attendance the teacher made a schedule of

the number of days he was to board with each family. Since the time he remained in a family depended upon the number of school children it contained, he sometimes found his companions more numerous than entertaining.

In the early part of the Territorial *regime*, the teacher's fare usually consisted of hominy or mush and milk, corn bread or buckwheat cakes with maple syrup or wild honey; together with wild fruits, including strawberries, blackberries, raspberries, wild grapes and plums. These were eaten fresh from the woods in summer, and either dried, or preserved in syrup, in the winter. In addition to this, all kinds of game was provided, including bear's meat and venison. But whether the fare was bounteous or otherwise, the teacher was received at the settler's home with generous hospitality and given the very best the house afforded.

When the teacher reached his boarding place he found a very different state of affairs from that which now exists at those homes which have since become models of convenience and of modern farm industry. He usually found a house or shanty constructed from logs, generally hewn on the inside, and plastered between the chinks. Sometimes the plaster was made of clay intermixed with straw to hold it together. The chimney was built up from the ground on the outside and at the end of the building, and was constructed of split oaken strips laid upon each other with the clay

mortar between. This was the outlet of a large open fire-place which furnished heat and light during the long winter evenings. This fire-place was supplied with "andirons" for holding the huge back-log in position, and a crane from which kettles were suspended; while the weekly baking was done in an open tin or sheet-iron bake-oven which was set before a bed of coals in the fire-place; or, in a shallow iron bake-kettle.

The chairs were usually made by the grandfathers of the community, and were constructed from uprights and rungs shaved out of oak or hickory with a "draw-shave" and bottomed with interwoven strips of bass-wood or elm bark. The old-fashioned arm-chair thus constructed was far more comfortable than many of modern pattern.

Suspended upon strings fastened to wooden hooks in the ceiling were slices or rings of pumpkins drying for winter use, or perhaps pieces of jerked venison or bear's meat.

The teacher usually spent his evenings at this home in assisting the children at their studies. The light used for this purpose was either that from the fire-place or from a "dipped" tallow candle, or perhaps, if the host could afford it, from a lamp which burned fish or whale oil, for the existence of kerosene was not generally known. The "dipped" candle was made by dipping candle wick into hot tallow and allowing it to cool, and repeating the process until the candle was of sufficient size.

Glass lamp chimneys were not in common use and the light of the lamp was regulated by the "snuffer," and by raising the wick in the tube by means of a pin or other pointed instrument.

• The teacher's clothing, as well as that of the school children, was usually made from home-spun or linsey-woolsey, and was grown, carded, spun, woven, cut and made at the farm, and this by hand, for carding mills were scarce and sewing machines unknown.

Occasionally the evening exercises were varied and the teacher accompanied the family to a protracted meeting, a husking bee, or, at a later period when orchards appeared, to an apple-paring bee. The journey was usually made in the "linch-pin" lumber wagon, or, in winter, in a "jumper," a long sled, drawn by oxen, or, if the settler was so fortunate as to own one, a span of horses, and it was not unusual to make these visits at points from three to five miles distant.

All of this was perfectly in keeping with the state of society and of the times generally, for many of the modern improvements which have added comforts and luxuries to the homes of to-day were unknown; for the farmer then turned the furrow with a wooden beam plow, sowed the grain by hand, cut his grass with a scythe, raked it into windrows with a home-made hand rake and harvested his grain with a "turkey-wing" cradle. The grain was threshed with a flail, or by spreading it upon

the barn floor and driving horses over it. There were no reapers, no mowers, no sulky rakes, no steam threshers, and the threshing machine that first appeared consisted of a horse power and a frame for holding the cylinder from which the straw was raked by hand; and the grain was afterwards cleaned by tossing it from the barn floor in order that the wind might blow away the chaff.

We must not conclude, however, that the teacher, patrons, and children of these Territorial days were unhappy or felt these deprivations to any great extent; for they were indeed a happy, contented, and hospitable people, and from the needs of each sprang up a mutual, kind and neighborly feeling for all that is seldom found in older settlements where each has enough to make him independent of others.

THE RATE BILL.

Previous to the enforcement of acts of the Legislature providing for free schools, the amount necessary to meet the expenses of a school and in excess of that derived from the primary school interest fund was raised by a Rate Bill. This was a *per capita* tax, paid by parents and guardians of children who attended the school, each patron paying a share of the whole sum raised proportionate to the number of children he sent to school.

In many instances those who were least able to pay were called upon to contribute most to support the

school, notwithstanding the fact that provision was made for free schooling for the children of indigent persons. As a result these were compelled to deprive their children of the benefits of an education. Payments were usually made at a given rate per week for each pupil in attendance.

Some of the patrons could not pay and others would not. When the children of these were withdrawn from the school the entire expense of running it had to be met by the remaining few, and the amount to be paid by each was often so great that the school was closed long before the teacher's contract had expired. This system did much to retard the progress of education, but all efforts to secure a better one were unavailing until the Constitution of 1835 was revised. This was done in 1850, and provision was then made requiring the Legislature to provide for a free school system within five years from the adoption of the Constitution.

Although this Constitutional provision required the establishment of free schools in 1855, this was not accomplished until 1869, a delay of fourteen years.

The schools of the Territorial period lacked nearly all necessary appliances and suitable apparatus, but notwithstanding this they produced a sturdy, upright, energetic class of men and women whose untiring efforts to clear away the forest and establish homes for themselves and families were

only surpassed by their earnest desire to secure a better education for their sons and daughters; and to them we are largely indebted for free schools and the many excellent educational institutions for which the State is celebrated.

FREE SCHOOLS.

The State Constitutional Convention of 1835 required the Legislature to provide a school system whereby school should be kept in each district at least three months in each year, and it also provided for the appointment of a Superintendent of Public Instruction. Governor Mason, immediately after assuming the duties of his office, appointed the Rev. John D. Pierce, a young missionary who had given the educational needs of the State much attention, and who was eminently well qualified for this important position. The work of preparing a school system was delegated to him, and many of the most beneficial provisions of our present school system are the direct result of the labors of this noble man, who has rightly been named "The Father of Our School System." This act did not provide a free school system, but it gave the voters power to establish free schools in their several districts.

It may seem strange that any should doubt the wisdom and justice of establishing schools wherein the poor are placed on a common level with the rich, but there are those who remember that some of the most bitter controversies of that date arose

from the desire to establish such schools.

The opposition came mainly from those who had more property than their less fortunate neighbors and who objected to being taxed for the purpose of educating the children of poor parents who had no property subject to such taxation; and also from those who had no children to be educated, or whose children had already received the benefits of an education.

These narrow views prevailed to such an extent as to defeat the adoption of a system of free schools at first. Nevertheless, Father Pierce continued his efforts to remedy these evils during the five years of his administration. He, perhaps, above all his associates, recognized the fact that common schools are not merely the base of the educational welfare of the people; but that, by means of their becoming free to the rich and poor alike, so that these meet upon a common plane and share a common interest in all that pertains to the welfare of the school, all are thus trained in the principles of equality, freedom and republicanism.

Certain defects in the constitution of 1835 occasioned its revision in 1850, and by this admirable instrument a free school system was provided for. It was not to go into immediate effect, but required the Legislature to provide such a system not later than 1855. As has been shown in preceding pages this provision did not go into effect until the year 1869. Since that time, Michigan has enjoyed

a system of schools that are free to all who desire to be benefitted by them, and the humblest boy may receive a liberal education, become a useful citizen, and attain the most honorable positions in the land.

While it is true that in some localities these schools are not what they should be, and that those who have charge of them do not furnish suitable buildings, apparatus and appendages necessary to secure good results, yet, as a whole, the system has been productive of much good.

These schools do not merely provide for primary training, but also thorough instruction in some of the higher branches of literature and of the sciences; for the common schools are not composed merely of the district schools of the country, but include also the primary, graded, and high schools of the villages and cities.

Many of these high schools have so advanced the standard of their work that courses, parallel with that of the first work in the University, have been arranged, and graduates from these courses are received at the University without further examination in the work thus completed. This plan has had an elevating influence upon the common schools whose field of usefulness is thus extended and broadened so that they furnish a liberal education for the sons and daughters of the State who receive instruction in them, and who, because of these advantages, are characterized by their earnestness, energy, and intelligence in all fields of useful labor.

CHAPTER IV.

HIGHER INSTITUTIONS.

THE STATE NORMAL SCHOOL.

It was originally intended that the eight branches of the University organized by Superintendent Pierce should not only prepare students for more advanced work in the University, but that, in addition to this, they should furnish a course of professional training for teachers for the common schools. These branches were supported from the University Fund, and because of their growing necessities became a menace to the University itself; so, in 1849, the Board of Regents abandoned them as branches of that Institution, and the preparatory work was thereafter delegated to the excellent high schools that have been established throughout the State.

When these training schools were discontinued it became necessary to make provision for the training of teachers, and, in consequence, an act was passed by the Legislature of 1849 which provided for a State Normal School, to be placed in charge of a State Board of Education.

This Board is composed of four members, three of whom are elected at the biennial State election for a term of six years, and the fourth member is the Superintendent of Public Instruction.

The School is located at Ypsilanti, Washtenaw county. In order of precedence this Institution should be placed next after the common schools, for here students are trained in the art of teaching, and they carry with them into the common schools the immeasurable benefits derived from this instruction and thus elevate the character of the work performed in them.

Students are given thorough instruction in the following courses:

A Scientific Course, four years.

A Literary Course, four years.

An English Course, three years.

An Ancient Classical Course, four years.

A Modern Classical Course, four years.

A Latin and German Course, four years.

A Scientific Latin Course, four years.

A Special Course with Music, three years.

In addition to these courses, students receive professional training in a School of Observation and Practice, or Training School. This consists of a graded school of about 200 pupils, divided into eight grades, which extend from the primary to the high school department.

The instructors in this school are the members of the Normal Senior Class, who are employed at

this work daily. They work under the immediate supervision of the Director of this department, and two assistant critic teachers.

In this manner students receive professional training and actual practice in instructing and governing children.

It is well known by close observers that the work performed by this Institution qualifies its graduates for positions where good scholarship is required, and that the thorough training and true professional spirit secured fit them for effective work in the educational world.

THE AGRICULTURAL COLLEGE.

The first steps to establish a State agricultural institution were taken by the State Agricultural Society. This society adopted measures for the purpose of securing legislation to establish an agricultural office, together with an attendant library and a museum. This was to be followed by an agricultural college and an experimental farm.

A memorial presented to the Legislature in 1850 requested that body to establish an institution in which instruction should be given in "those branches of education which will tend to render agriculture not only useful, but a learned and liberal profession, and its cultivators not the 'bone and sinew' merely, but ornaments of society."

The Legislature failed to make necessary provision for such an institution, but the discussion created

in considering the matter led to the insertion of an article in the Constitution of 1850 which provided that as soon as practicable after the adoption of the Constitution and re-organization of the State government, a College should be established by the Legislature, in which instruction in the art of husbandry and in the sciences relating thereto should be given.

About this time the State Board of Education made provision for instruction in the elements of scientific agriculture, to be given at the State Normal School, and the Board of Regents made such instruction a part of the scientific course at the University, and each of these Boards was active in its endeavors to make the proposed "agricultural school" an annex to the Institution which it governed.

This action and the discussion which followed, together with active efforts on the part of the Agricultural Society, led to an act by the Legislature of 1855 which established the College and provided that it should be located within ten miles of Lansing.

In accordance with this provision the present site, which is located about three miles east of the city, was selected, and here in the wilderness the new institution was dedicated in 1857.

At the time the College was established the Legislature appropriated certain "salt spring lands," from the proceeds of which a farm was purchased.

In 1862, the General Government gave to the State

240,000 acres of the public lands for the purpose of establishing a permanent endowment fund for the Institution. A careful selection secured valuable lands, and it is probable that these are productive of more benefit to the College than have been any other grants to State Institutions.

The College farm consists of 676 acres beautifully located on the banks of the Red Cedar River. A part of this farm is well timbered, another portion consists of fine woodland pasture and the remainder is under cultivation. It is well equipped with all kinds of modern implements and farm machinery. The farm buildings are spacious and contain all the modern improvements for the proper care of stock and produce.

There are fine orchards, a greenhouse, an apiary, vegetable gardens, fields suitable for all classes of crops, a fine selection of cattle and sheep of the best breeds, and every facility necessary to conduct a farm upon practical and scientific principles.

The college buildings are substantially built of brick and stone, and consist of a Botanical, a Chemical, a Veterinary, and Mechanical Laboratory, three Main Halls, a Library and Museum, and dwellings for the officers of the Institution—about twenty buildings in all.

The State Board of Agriculture has general charge of the College. The members of this board are appointed by the Governor. The immediate management of the Institution is given to a corps of efficient

and well-qualified instructors. The regular course of instruction covers a period of four years, but students who desire to pursue special studies are received for a shorter term.

The college year is divided differently from that of other institutions. There are three terms; the spring term and the summer and the autumn terms. This arrangement is made in order that practical work in the various departments of agriculture may be performed during the growing season. The long vacation occurs in winter, and students are thus enabled to teach winter schools and by this means defray a considerable portion of their expenses.

Students are required to do a certain amount of manual labor. This consists of from two to three hours work each day, Saturday excepted, on the farm or in the garden, and they receive compensation in accordance with their ability and the manner of performing their work, the maximum compensation being eight cents per hour. Students in the mechanical course work two hours per day but receive no compensation, for the labor in the shops is considered educational in character.

By this plan the students obtain a practical knowledge of the different branches of farming interests and it also teaches them to respect labor.

Thorough instruction is given in all the branches of English literature as well as in the practical sciences and modern languages. This instruction includes surveying and civil engineering, mechanics

as applied to implements and building, stock-raising, veterinary, horticulture, and agriculture; while the courses in chemistry, botany, and entomology are especially thorough.

The experiments in agricultural and analytical chemistry conducted for the benefit of the students and the people of the State at large by that renowned Professor of Chemistry, Dr. R. C. Kedzie, are of great practical value to the agricultural interests of the State and Nation, for their influence is felt far beyond the walls of the College.

Being a pioneer institution of its class (for Michigan was the first State in the Union to establish an Agricultural College) it has been a model for other States, and many of its graduates are instructors and managers of similar institutions in those States.

It is highly probable that there is no institution in the country that better fits its graduates for the active duties of every-day life; and the people of the State now justly recognize the College as being an institution of great practical benefit to their agricultural interests, and as one of the most valuable features of the educational system of the State.

THE MICHIGAN MINING SCHOOL.

This Institution is yet in its infancy but its success is already assured. It was established by an act of the Legislature in 1885, and went into operation in the autumn of 1886.

It is located at Houghton, Upper Peninsula. The

mining interests of the State have heretofore been dependent upon foreigners and operators from other States for skilled workmen. The object of the Institution is to train citizens of this State in the principles and practice of this great industry.

The course of instruction embraces Geology, Mineralogy, Chemistry, Mining and Mining Engineering, and other branches that may be necessary to secure a thorough and practical knowledge of the work.

Tuition is free to bona fide residents of the State. The courses of instruction are given by a corps of efficient instructors and practical miners. Work is conducted at laboratories, in the workshops, and in the mines, where all branches of practical work are pursued.

The report of the committee sent out by the Legislature of 1889 shows that the school is well managed, and must become a valuable aid to one of the most important industries of the State.

THE UNIVERSITY.

The first step taken toward the founding of the University was contained in the Treaty of Fort Meigs, in 1817. By the terms of this treaty the Ottawas, Chippewas, and Pottowatomies ceded six sections of land to be divided between the Church of St. Anne, at Detroit, and the College of Detroit. This college was to be a part of the University of Michigan, the charter of which was drafted by one

of the Territorial judges, Mr. Augustus B. Woodward, a gentleman of scholarly attainments.

This charter was very broad in its provisions for liberal education and had a beneficial influence upon all subsequent legislation that established the University. Its provisions for the support of the Institution were more liberal than any before or since proposed. A tax of fifteen per cent. was to be levied upon all taxable property in the Territory; and, in addition to this, four lotteries were to be established and fifteen per cent. of the net proceeds thereof were also to be used to support the University.

In 1821, the act drafted by Judge Woodward was revised, but the Supreme Court of the State has decided that this act continued the corporate existence of the University.

In 1826, an act of Congress appropriated lands, to be selected by the trustees of the University, equal in amount to twice that ceded by the Indians in 1817. The amount thus secured, together with the original grant, amounted to two townships and three sections.

The State Constitution of 1835 made provision for the maintenance of the University, in addition to the organization of a common school system, as has been shown in preceding pages; and also for a library for each township and for agricultural and scientific education.

This Constitution provided for the appointment,

by the Governor, of a Superintendent of Public Instruction, and the citizens of the State may well take pride in the fact that this was the first State in the Union to establish this important office and thus secure a progressive school system.

A board of regents, appointed by the Governor, were given control of the University.

In accordance with plans suggested by Superintendent Pierce the University was established, and on March 20th, 1837, it was located at Ann Arbor. Soon after organizing, the Board of Regents established eight branches of the University, or preparatory schools. These were located in various towns of the State and served as preparatory departments of the University, and also as training schools for teachers for the district schools.

These branches, or schools, created a deep interest in higher education throughout the State, and undoubtedly we owe to them the early establishment of the excellent high schools which have taken up the work formerly accomplished in them.

Another progressive measure was the admission of women to every Department of the Institution. This was done in 1870. Boys and girls grow up together at home, associate with each other in society, live together in after life; and the closing of the doors of an institution of learning against the female portion of a community or State is an injustice. There was much prejudice against their admission in some localities, and there were many

prophecies that failure must follow; but it has been fully demonstrated that the co-education of the sexes is the natural plan; that it is productive of morality, progress in school work, and of true manhood and womanhood.

Since these changes the University has become the central portion, "the crowning glory of our educational system," and an institution that inspires the admiration of all who take pride in the dissemination of useful knowledge among the masses.

Courses of instruction are given in the various departments as follows:

Collegiate Courses—a Classical Course; a Scientific Course; and a Latin and Scientific Course.

Technical Courses—Civil Engineering; School of Mines; Architecture.

Professional Courses—Pharmacy; Dental School; Medical School; Law School; Homeopathic Medical School.

The University buildings and Departments are the Main Building, or University Hall, a beautiful structure, consisting of many departments for the use of students in the different branches of literature, arts and sciences; and a fine *Auditorium*, beautiful in its proportions and one of the largest in America; the Law Department; the Museum; the University Hospital; the Homeopathic Hospital; the Medical Building; the Dental College; the Chemical Laboratory; the Engineering Laboratory; the Astronomical Observatory; and homes for the

use of the president and officers of the Institution.

These spacious buildings are located in the *campus*, which is a square containing forty acres, traversed by beautiful walks through groves of trees of many varieties. The country surrounding the plateau upon which the University is located is undulating, and the hills are covered with groves, the vales traversed by beautiful brooks of sparkling spring water. These, together with the various Departments and attendant improvements, constitute one of the most beautiful localities in the State.

The same spirit of liberality and republicanism which characterizes the common schools of the State is found in every Department of the University. There are no privileges for the rich that are not enjoyed by the poor; and the students' standing in classes, with fellow students, and with the faculty, depends wholly upon their reputation for true manhood or womanhood and the work performed.

The University is primarily an institution provided by the people of Michigan to secure the benefits of higher education for their own children. To these the State gives certain advantages in the payment of fees, which are merely nominal for all; and at the same time she opens the doors of all its Departments to the sons and daughters of all States, Territories and Nations.

The growth of the Institution has been rapid and its future prospects are bright. It has been a model for similar institutions in other States and the

people of Michigan may justly claim with pardonable pride that ours is the grandest State University in the Union, when measured by the extent and practical value of the work accomplished within its various Departments.

CHAPTER V.

CHARITABLE AND REFORM SCHOOLS.

STATE PUBLIC SCHOOL FOR DEPENDENT CHILDREN.

This school, located at Coldwater, has attracted much attention throughout this country and in scientific and educational circles of Europe. It was established by an act of the Legislature in 1871 and was ready for the reception of children in 1874. At that date no State or Government had assumed the care, control, and education of its dependent children; but Michigan assumed the position that the child that had no home, no one to care for him and to guide in paths of virtue, sobriety and truth, should become a ward of the State; that the State should assume the parental relation and furnish the best possible substitute for home and parents.

Until the date last mentioned these children were either neglected at large or were partially cared for in the poor-houses of the various counties. Under these circumstances they were brought in contact with a pauper class, and in many instances were found in low resorts where crime prevailed and virtue was unknown.

Cold, hunger, cruel treatment, and neglect are strong incentives to drive young boys into acts of crime and girls into a life of shame. Many of these had never heard a kind, encouraging word, had no opportunities for intellectual improvement; and, as a result, they grew up in ignorance, pauperism, and vice, and this because of conditions and circumstances over which they had no control.

The position assumed by the State was a most humane step taken for the care and protection of an unfortunate class; and, notwithstanding some forebodings as to its ultimate usefulness, it has already proved a grand success of which the people of the State may well feel proud. In an address delivered before the Institute of France, the French Statesman, Drouyne de Luhys, said: "Behold, gentlemen, the State of Michigan, only about forty years old, has the merit of being in advance of ancient Europe in the inauguration of a new era for indigent children." The States of Rhode Island, Minnesota, and Wisconsin have adopted the "Michigan System," and have established institutions modeled after our own.

The system contemplates the care and education of children from two to twelve years of age taken from poor-houses and those who are otherwise homeless and dependent. The conditions of admission are that they are dependent upon the public for support and are sound in body and mind. Diseased, feeble-minded, and criminal children are

rigidly excluded. The children are received upon an order of the Judge of Probate of the county where they reside, and this order is accompanied by a physician's certificate to the effect that they have no chronic or contagious disease, and have not been exposed to any, within a period of fifteen days.

They are clothed, fed, and trained mentally, morally, and physically while they are inmates of the Institution. Everything possible is done to make the Institution a real home and a school, and the family plan is invariably followed. The pupils are divided into "families" of about thirty each. These occupy separate cottages under the immediate charge of "cottage managers" who are cultured women, carefully selected with a view of securing a thorough moral and mental training of the children placed in their charge.

While here, the children are regularly taught in common school branches by well qualified teachers. The school-rooms are pleasant and are well furnished with excellent apparatus. The children are also trained in habits of industry and all who are of sufficient age are required to work about three hours a day; some on the farm connected with the Institution, some in the dining room and kitchen, while others make shoes, knit, or work in the bakery, engine room, or laundry.

As soon as suitable places can be found they are placed in private homes. These are usually found through the County Agent. This agent is ap-

pointed by the Governor, one for each county, and it is his duty to visit the children who have been placed in private families as often as may be necessary in order to ascertain what treatment they are receiving. When the children are thus placed in private homes it is under contract that they shall have a good common school education and kind treatment as members of the family.

The School is managed by a Board of Control, and a Superintendent who has immediate charge of it. These are appointed by the Governor. It is the result of a plan matured by State Senator, C. D. Randall, of Coldwater, who drafted the bill that established the school. The Institution is certainly one of the most humane of our State Institutions, inasmuch as it is the means of saving thousands of youth from a life of pauperism and crime, and assisting them to become useful citizens.

In its educational features it is the same as the common schools, and it thus becomes a valuable addition to our school system.

THE REFORM SCHOOL FOR BOYS.

This excellent Institution is located at Lansing, about one mile from the capitol. An act of the Legislature provides that cities and villages may establish ungraded schools, and that certain truant officers shall have power to apprehend habitual truants, pupils in graded schools who are incorrigibly turbulent or disorderly, or who are vicious or im-

moral; as well as children who habitually frequent streets and other public places, having no lawful business, employment, or occupation which renders attendance at school impossible.

These children, when so apprehended, are to be placed in the ungraded school of such village or city. In case the parent or guardian of a child belonging to one of the classes named pleads his inability to manage, control, or secure the attendance of such child at the ungraded school, then the justice before whom proceedings are taken issues a warrant for arrest of the child and proceeds to a hearing of the case. If it is proven at such hearing that the child belongs to one of the classes named, the justice may sentence such child to the Reform School, if a boy, or to the Industrial Home for Girls, if a girl.

The Institution was originally established as a "House of Correction for Juvenile Offenders," and was essentially a prison. But the same spirit which prevailed in establishing other State Institutions of a humane or benevolent character, led the Legislature to change its name and the manner of treating its inmates. This was accomplished in 1859. The penal features of the Institution are abolished and the boys are no longer treated as prisoners but as pupils.

Bolts and bars are abolished, and the pupils are not made to feel the humiliation and disgrace of imprisonment when they leave the institution. In place of these bolts and bars, closed windows, and

lock and key, there is the careful vigilance of watchmen and other officers of the Institution. The honor of the boys is successfully appealed to and attempts to escape are rare indeed.

Boys between the ages of ten and sixteen are received, and they may be detained until they are of age or give evidences of thorough reformation. When reformed boys have no home or parents or friends who can care for them properly after leaving the School they are provided with homes in private families through county agents; and many a boy has been reclaimed from vicious habits and has become an honest, industrious, and useful citizen through the influence and training of this School.

The educational features of the Institution are excellent and furnish as good a training as that of the better class of common schools. The school-rooms are well furnished with modern apparatus and books, and excellent instructors are engaged. In addition to this means of intellectual improvement, there is also a reading-room where all the leading newspapers and periodicals are kept on file, and there is also an excellent library of carefully selected books.

In addition to this educational training the boys are required to do a certain amount of labor on the farm connected with the school, or in the various shops and departments of the Institution; and they are thus taught habits of industry and self-reliance that are invaluable to them in after life.

The School is managed by a Board of Control consisting of three members appointed by the Governor, and a Superintendent, and it is supported by State appropriations.

The Institution is a success as an educational means, as a reformatory measure, and from an economic point of view; for it accords with the general principles that have led our State to maintain that it costs less and is more humane to reform, educate, and make useful citizens of those of her youth who would otherwise become useless, depraved, and vicious, than it does to deal with and support them after they become hardened criminals; and the legislation in support of these principles has been most satisfactory to the people of the State who regard the Reform School as a valuable medium for the reformation and education of these classes.

THE INDUSTRIAL HOME FOR GIRLS.

By referring to the preceding article on the Reform School for Boys it will be seen that the girls in this Home come from the same sources, and become inmates of the Institution by operation of the same statute that provides for the disposition of the pupils in that Institution.

The Home is still in its infancy, having been established in 1881, mainly through the efforts of noble women who have done much to make it a splendid success. It is managed by a Board of Control, consisting of five members, appointed by

the Governor, a majority of whom are women. The immediate management is delegated to a Superintendent and other officers and instructors, all whom are women.

The Home is located upon a farm, the gift of citizens of Adrian, where the Institution is located. The "family plan" is followed here as at the State Public School, and each cottage has its own kitchen, laundry, dining and sleeping rooms, and so far as possible the Institution is made a real home.

Girls are received here between the ages of seven and seventeen, although a very large proportion of girls of tender age are sent to the State Public School. They may be detained until twenty-one years of age, but it is usual to return them to home or friends or to supply them with a home through county agents at an earlier date.

The course of study embraces the branches usually taught in common schools from the first to the seventh grade, inclusive, and extra studies are provided for pupils who finish those grades. No girl is allowed to be kept from school except by permission of the Superintendent, and all are trained in courteous, lady-like behavior at all times. All receive thorough instruction and practice in all branches of house-work; and in order to secure practice in its various departments, no girl is detailed for the same work more than two months.

Like the Reform School for Boys the Institution becomes a useful educational factor and the means

of reclaiming many girls who thus become useful citizens and a credit to the society in which they move.

SCHOOL FOR THE DEAF AND DUMB.

This Institution is located at Flint, and was established by an act of the Legislature in 1848, but was not ready for occupancy until 1854. It is governed by a Board of Trustees who are appointed by the Governor, and is conducted by a Principal and other officers. Efficient teachers are employed and thorough instruction is given in all topics usually taught in the common schools.

Oral instruction is usually given by means of the sign language, which is uniform for all inmates of the Institution. Many of the pupils become very proficient in the branches taught and some of their literary work is of great merit.

In addition to the sign language, instruction is given in the art of articulation, by means of which many of the inmates who cannot hear a sound are taught to articulate words so as to carry on a conversation intelligently. This is done by teaching the pupil the position that the vocal organs should occupy to produce a given sound. These positions are indicated by certain characters placed upon the black-board. Wonderful results have been accomplished, and some mutes have so mastered the art of articulation that a stranger might converse with them for some time before discovering that they are deaf.

While carrying on such a conversation the mute must occupy a position where he can see the motions of the lips of the person with whom he is conversing, for it is from these motions and the positions assumed by the vocal organs that he is able to determine what is said.

In addition to instruction in literary topics the pupils are also taught some useful trade, such as farming, type-setting, shoemaking, or cabinet making. Girls are taught sewing, knitting, printing, and household work. Many mutes become experts at type-setting and in other branches of printers' work.

No fees are charged to residents of Michigan, and, in addition to this, a statute authorizes the Board of Trustees to furnish clothes and other necessities for indigent pupils. A statute also requires the superintendents of the poor for the various counties of the State to send to this Institution all deaf mutes of tender age who may become a public charge upon their respective counties.

There is no permanent fund for the support of the school but it is maintained by liberal appropriations by the Legislature. The School is a valuable charitable Institution and furnishes excellent educational facilities for an unfortunate class that must otherwise grow up helpless and in ignorance.

THE SCHOOL FOR THE BLIND.

Originally the Blind and Deaf and Dumb were

taught together at the Flint School, but in 1879 an act of the Legislature separated the two classes and established the School for the Blind at Lansing.

Practical instruction is given in those things that are most useful to the inmates, and this by teachers who are peculiarly well fitted for this class of work. Pupils are taught to read from books that are printed in raised letters or in some manner by means of which the pupil can distinguish the words by passing the ends of the fingers over them.

After the pupil thus learns to read he is instructed in many of the branches taught in the common schools, the aim of the school being to give a good common school education and practical instruction in such occupations as the blind are best able to pursue.

The work of the Institution is divided into three departments: the literary, the musical, and the handicraft. Many exercises are given in memorizing and pupils are kept well informed on current events. Special attention is given to music and many pupils become experts in this branch, and subsequently proficient music teachers. Good results are accomplished in giving instruction in broom-making, basket-weaving, sewing, knitting, etc.

The School is furnished with considerable good apparatus and a very good library. The Institution is a valuable means of education and a credit to the State.

CHAPTER VI.

DENOMINATIONAL

AND

PRIVATE SCHOOLS AND COLLEGES.

Institutions of this class do not properly belong to the State educational system, inasmuch as they are not supported by any of the educational funds or by direct taxation. They are results of private enterprise or benevolence. Many of them are excellent institutions of learning, and a number furnish courses of study in some branches of education that equal those of the best colleges in the country.

The State has made provision by acts of the Legislature whereby colleges and institutions of learning may become incorporated, and may hold land and other property for the use of such incorporated institutions. The following are among the institutions of this class:

KALAMAZOO COLLEGE, at Kalamazoo.

OLIVET COLLEGE, at Olivet.

ALBION COLLEGE, at Albion.

HILLSDALE COLLEGE, at Hillsdale.

ADRIAN COLLEGE, at Adrian.

HOPE COLLEGE, at Holland.

DETROIT COLLEGE, at Detroit.

MICHIGAN FEMALE SEMINARY, at Kalamazoo.

RAISIN VALLEY SEMINARY, near Adrian.

SOMERVILLE SCHOOL, at St. Clair.

ALMA COLLEGE, at Alma.

MICHIGAN MILITARY ACADEMY, at Orchard Lake.

BATTLE CREEK COLLEGE, at Battle Creek.

In addition to the incorporated institutions there are many Business Colleges, Academies, and private schools, which furnish excellent educational facilities. In accordance with the acts under which these institutions are incorporated they are subject to yearly visitation and inspection by boards consisting of members appointed for that purpose by the Governor. The president of each Institution also makes an annual report of the courses of instruction given and the general character of the work accomplished; and this, together with the Visitors' report, is incorporated in the annual report of the Superintendent of Public Instruction.

This closes a brief review and description of the State Educational System. Its foundations were laid by far-seeing educators and statesmen. It provides for the universal education of the masses in free schools, and for special and professional training of those who wish to avail themselves of the excellent opportunities offered.

This plan, broad in its provisions, is most ad-

mirably adapted to the educational needs of the people; and apparently all that remains to be done is to so arrange details of administration as to secure the best results.





PART II.



CONSTITUTIONAL

—AND—

STATUTORY PROVISIONS

DEFINING THE DUTIES AND POWERS

—OF—

OFFICERS AND TEACHERS.



CHAPTER I.

CONSTITUTIONAL PROVISIONS.

The Superintendent of Public Instruction and all officers elected or appointed to carry into effect the laws relating to our educational system, derive their authority to act, directly or indirectly from constitutional provisions and legislative enactments. The following are the most important constitutional provisions that relate to the school system:

The Superintendent of Public Instruction is elected at each biennial election for a term of two years, and his term of office commences on the first day of January following his election. A vacancy in the office is filled by appointment by the Governor, by and with the consent of the Senate, if in session. The office is to be kept at the seat of the State government.

The proceeds from the sale of all school lands or from property given by individuals or such as may escheat to the State are to be appropriated exclusively for the support of primary schools. Free schools are provided for, and all instruction in such schools must be conducted in the English language.

School districts that fail to maintain school are to forfeit primary and other school moneys.

THE REGENTS OF THE UNIVERSITY.

The constitution also provides for the election of a board of regents for the University. This board has the general care and management of all matters relating to the University. There are eight such regents, and it is so arranged that two are elected at each election at which a justice of the Supreme Court is selected.

It is the duty of the regents to elect a president of the University. Such president is, *ex officio*, a member of the board, and counsels with and advises the regents regarding the management of the University, but he has no vote.

THE STATE BOARD OF EDUCATION.

This board is composed of three members and it is so arranged that a member is elected at each biennial State election for a term of six years. The board has the general care and management of the State Normal School, and its general duties are prescribed by law. The Superintendent of Public Instruction is, *ex officio*, a member and secretary of the board.

In addition to this, statutes provide that he shall have the general supervision of all matters pertaining to public instruction and of State educational institutions, other than the University. He is to

visit these institutions annually, and to make an annual report concerning their condition to the Governor. Other important duties of the Superintendent are given in subsequent chapters, each under its proper heading.

CHAPTER II.

STATUTORY PROVISIONS.

NOTE—The figures at the close of sections refer to corresponding sections of the General School Laws.

FORMATION AND ALTERATION OF DISTRICTS.

When a new township is formed and settled it becomes necessary to divide the new territory into such school districts as will best accommodate the people. This is done by the township board of school inspectors. (8) The board number these districts as they form them. No such district can contain more than nine sections of land, and it must be compact in form and of contiguous territory. (8)

FRACTIONAL DISTRICTS.

It sometimes becomes necessary to form a district from territory lying in two or more townships. Such a district is termed a "fractional district." These are formed by the joint action of the boards of school inspectors of the townships from which territory is taken, and the district is credited to the township in which the school-house is situated.

A statute provides that these and all school dis-

tricts shall have the usual powers of a corporation, and that in their corporate names they may sue and be sued, may contract, and may purchase necessary real estate. (14)

ALTERATION OF DISTRICTS.

The township school inspectors are empowered to alter the boundaries of districts. (8) When this is done the township clerk, who is a member and clerk of the board, must post a notice in the district or districts to be altered, at least ten days previous to the meeting of the board for that purpose. (15)

The board of school inspectors may also divide a district into two or more districts, or may consolidate two or more districts with the consent of a majority of the resident taxpayers of the district or districts affected. (16)

A statute authorizes the board to detach the property of any person from one district and attach it to another, but in case the property of such person has been taxed to build a school-house within three years preceding the meeting of the board his consent must first be obtained. (16)

CHAPTER III.

ANNUAL AND SPECIAL MEETINGS.

The annual meeting of each district is held on the first Monday of September of each year, and this is also the beginning of the school year. (21) It is provided, however, that a district may determine, at any annual or special meeting, properly noticed for that purpose, to hold an annual meeting on the second Monday of July. This action does not change the commencement of the school year for that district. (21)

The director is required to give notice of all district meetings. Both annual and special meetings require six days' notice, except in case of the change or removal of a school site, in which case ten days' notice must be given. (23)

The district board may call a special meeting of the district of its own motion; and it becomes the duty of said board, or any member thereof, to call such a meeting upon the written request of at least five members of the district. (22) No business except that specified in the notice therefor can be transacted at a special meeting. (22)

QUALIFIED VOTERS.

All persons, male or female, of the age of twenty-one years, who have property liable to assessment for school purposes, and who have been residents of the district three months preceding the meeting, may vote on all questions. (24)

All other such residents who are the parents or legal guardians of children included in the school census may vote on all questions except those that directly involve the raising of money by tax. (24)

Illegal voters may be challenged by any member of a meeting. (25) The challenged person must be sworn as to his right to vote and if he swears falsely he may be prosecuted for perjury, the punishment for which is imprisonment in the State's prison. (25)

Any person who becomes disorderly and disturbs a district meeting may be arrested upon order of the chairman, and upon trial may be fined, or imprisoned in the county jail. (26)

POWERS OF VOTERS AT DISTRICT MEETINGS.

Voters at a district meeting have no powers except such as are granted by statute. The following are the most important of these: (27)

To appoint a chairman in the absence of the moderator; to adjourn to a future specified time; to elect district officers; to designate a site for a school-house; to purchase a site or to build or hire a school house; to vote a tax to pay for these. But there are restrictions as to the amount that any

district may raise by taxation, and also restrictions as to the amount for which a district may be bonded. (78) Subdivisions of land more than two and one-half miles from a school-house cannot be taxed for building purposes, and it requires a two-thirds vote to bond a district as above specified.

The meeting may also raise money for repairs and for officers' services. The length of term for the school year must be determined at the annual meeting as follows: not less than nine months in districts containing over eight hundred children; five months in such as contain from thirty to eight hundred children, and not less than three months in all other districts. (27)

CHAPTER IV.

THE DISTRICT BOARD.

The district board is composed of three officers: The moderator, who acts as chairman of the board and also of all district meetings, the director, who is the general executive officer of the board and also of district, and the assessor, who is treasurer of the district. The acts of these officers, when legally performed, become the acts of the district, but they can bind the district only upon strictly complying with statutory provisions.

The term of office for each member is three years, or until a successor is elected and has qualified. (28) It is so arranged that but one office becomes vacant annually.

If one of the offices becomes vacant by means of death, removal or otherwise, the two remaining officers fill the vacancy by appointment. If two become vacant the remaining officer calls a special meeting of the district to fill the vacancies by election. In case this is not done within twenty days, or in case all the offices become vacant, such

vacancies are filled by the board of school inspectors for the township. (30)

Any qualified voter of the district who has property liable to assessment therein, may be elected or appointed to office, except in case he be an alien. (31) This provision allows the election of women who possess the above qualifications and who are twenty-one years of age or above. There is no fixed salary for these officers, and the matter of compensation for services is determined by the the district meeting. (20)

Any person who has been elected to an office as above, and who neglects or refuses to serve without sufficient cause, may be fined. (140) All school officers and inspectors are prohibited from acting as agents for books, seats, etc. (147)

No act to be performed by a district board can be legally performed except at a meeting thereof. (33) Such meeting may be called by any member serving on the other members a written notice of the time and place of meeting at least twenty-four hours previous to the meeting. (33)

Any two members may transact business at such a meeting. (33) Although notice should always be given, if *all of the members* of the board be present at a meeting thereof they may legally act even though no notice has been given. The fact that members are present is a waiver of notice by each. But a majority could not act at a meeting that had not been noticed.

POWERS OF THE BOARD.

The more important powers of the district board are as follows: To contract with legally qualified teachers; (40) to estimate the amount of money to be raised; (36) to have the care of school property; (41) to purchase books for poor children; (43) to have the general care of the school and to make necessary rules for its government and management; (44) and to specify the studies to be pursued in the school. (42)

The board is required to adopt a text-book in physiology and hygiene for the use of all pupils who can read intelligently. The statute providing for this instruction requires that these books shall be approved by the State Board of Education. The teacher is required to make a certified statement to the effect that this instruction has been given during the term, and the director is required to file a copy with the township or city clerk. (Pub. Acts '87, No. 165.)

All text-books used in the school must be adopted by the board. A teacher cannot be required to give instruction in books not in the course, and she cannot introduce new studies of her own motion. Text-books adopted by the board cannot be changed within five years, except by a majority vote of electors at an annual meeting, or at a special meeting called for that purpose. (42)

The board may authorize the teacher to suspend or expel a pupil for gross misbehavior or persistent

disobedience. (44) A person convicted of disturbing a school by rude or indecent behavior, or by profane or indecent discourse, may be punished by fine or imprisonment. (44)

The board is required to open the school-house for public meetings unless otherwise directed by a district meeting. The board may exclude such meetings during the five school days of the week if the best interests of the school demand it. (44.)

This should be construed to mean the five school days of the week *including evenings*, in those cases where such meetings, of whatever kind, retard school work; for fractions of days are not contemplated in law and the days spoken of should be held to mean days of twenty-four hours each. It is the evident intent of the statute to exclude anything that interferes with the important interests of the school during all of the school week.

All school boards are barred from using any school moneys to maintain schools of a sectarian character. (38)

The director, or such other person as the board may appoint, is required to take the school census of the district during the last ten days of the school year. Such census includes all children between the ages of five and twenty years, whether married or single. (49)

All persons who are residents of any school district and who are five years of age have an equal right to attend school therein; and there can be no discrimination on account of race or color. (45)

CHAPTER V .

THE TOWNSHIP BOARD

OF

SCHOOL INSPECTORS.

This board is composed of two school inspectors and the township clerk. These officers are elected at the annual township election held on the first Monday of April, (151) the inspectors for two years (152) and the clerk for one. (153) It is so arranged that the term of but one inspector expires each year.

The more important powers and duties of the board are as follows: To divide the township into districts as heretofore explained; to report the employment of unqualified teachers; (56) to have the general care and management of the township library; (114) to establish school sites where patrons fail to agree upon them. (89)

Any elector at the township meeting, or any female of the age of twenty-one years who has resided in the State three months and in the township ten days, may be elected or appointed to the office of school inspector. (154)

The board elect one of the inspectors chairman within twenty days after the township meeting. This chairman has a general supervisory charge of the schools of his township, subject to the advice of the secretary of the board of examiners, and is to notify the secretary of any school within the township that is not being properly managed. (Pub. Acts, of '87, p. 356.)

CHAPTER VI.

TOWNSHIP AND DISTRICT LIBRARIES.

The State Constitution provides for the maintenance of a library in each organized township, and when once established the books belonging to such library cannot be sold. (112) All residents of the township are entitled to the free use of the library. (113)

The inspectors are to appoint a librarian, and to cause the library to be kept in some central place. (116)

Any school district having a school census of not less than one hundred children, by a two-thirds vote, at an annual meeting, may establish a district library (117.) When such library is once established the district is entitled to its just proportion of the books belonging to the township library, and also its share of library funds. (117)

The State Board of Education is required to make a list of suitable books that are not sectarian in character, and to advertise for bids to furnish the same. Such list is sent to those who have charge of libraries, but boards are not confined to this list,

provided they do not purchase sectarian works.
(125)

These libraries are supported by the proceeds from fines that are imposed by justices of the peace and other officers having jurisdiction in criminal and penal actions. (122) Districts and townships may also raise money for the support of libraries. (123) Provision is made whereby the township board may use the township's proportion of the library money for general school purposes and it is to be regretted that this is often done.

CHAPTER VII.

PERTAINING TO TEACHERS.

A legally qualified teacher is a person of sixteen years of age, or above, who has passed a satisfactory examination and has a certificate in force received from a board legally authorized to issue the same. (Pub. Acts, '87, p. 153.)

There are four classes of such teachers as follows:

1. Those licensed by the county board of examiners. (Ibid.)

2. Graduates from the State Normal School who have received a diploma and certificate from the State Board of Education. (164)

3. Those who have passed an examination and have received a State Certificate from the State Board of Education. (166)

4. Teachers who have been employed and licensed by city boards that employ a superintendent. (Pub. Acts '87, p. 357.)

EXAMINATIONS.

It is the duty of the county board of examiners to hold two regular examinations annually. (Pub.

Acts, '87, p. 353.) These are held on the first Thursdays of March and August. Special examinations, not to exceed six in number, are to be held at such times and places as the board of examiners may select. (Ibid.)

First and second grade certificates can be granted at the regular examinations only. (Ibid.)

The secretary is required to give ten days' notice of special examinations, and to send a published copy of the notice to the township chairman. (Ibid.)

BRANCHES REQUIRED.

The branches required by statute are orthography, reading, writing, grammar, geography, arithmetic, theory and art of teaching, United States history, civil government, and physiology and hygiene. (Ibid.)

In addition to passing a satisfactory examination in these branches, the applicant must be of good moral character, and must possess the ability to instruct and govern a school, and these elements are as essential as the ability to answer a set of questions in the required branches. (Ibid.)

All examination questions are prepared by the Superintendent of Public Instruction. These he forwards to the several secretaries of the county boards of examiners, under seal, and they are opened in the presence of the applicants for certificates on the day of examination. (Ibid.)

Examination questions in additional branches are

also prepared for the use of applicants for first and second grade certificates.

CERTIFICATES.

The county board of examiners issues three grades of certificates, as follows: (Pub. Acts, '87, p. 354.)

The First Grade is issued only to those who have taught at least one year with ability and success. It is made valid throughout the State for three years by filing a copy with the secretary of the county board of examiners of the county in which the holder thereof desires to teach. (Ibid.)

The Second Grade is issued to those who have successfully taught at least six months. It is valid throughout the county in which it is issued for two years.

The Third Grade is issued to those who pass a satisfactory examination in the branches required by law and who possess other legal qualifications heretofore mentioned. It is valid throughout the county in which it is issued for one year.

In addition to these, the secretary of the board, or either of the other two members authorized by him, may grant a special certificate for a given district. It is valid only until the next public examination. A second special cannot be granted nor can an applicant who has failed be given such a certificate except by order of the board. (Ibid.)

REVOCATION AND SUSPENSION.

The board of examiners may revoke or suspend

any teacher's certificate for any cause which would have justified said board in withholding the same, or for neglect of duty or incompetency to instruct and govern a school. These causes include drunkenness, profanity, dishonesty and immorality that may affect the school or become an improper example for children. (131)

The board may also suspend the effect of any certificate issued by other lawful authority for like causes, but such board cannot revoke State or State Normal certificates. (131) No certificate can be revoked or suspended until the owner thereof has had an opportunity to meet charges preferred against him. (131)

INDORSING CERTIFICATES.

County boards of examiners are frequently requested to indorse certificates issued by other boards. The statute of '87 provides that the board of examiners "*shall examine all persons who may offer themselves as teachers of the public schools,*" and the *place* and *time* of such examination are also provided for.

It is also provided that the board shall meet on the Saturday following the examination, and shall grant certificates to "*persons who have attended such public examination.*"

These and other provisions clearly indicate that it is the intent and purpose of the law that there shall be a personal examination of the applicant in

required branches; and since the board can issue certificates only in the manner prescribed by statute, and as there are no statutory provisions for the indorsing of certificates issued by other authority, it cannot be legally done, and a certificate so indorsed is not valid.

NORMAL SCHOOL AND STATE CERTIFICATES.

A statute provides that the State Board of Education shall prescribe a special course of instruction intended to prepare students for the rural and elementary schools of the state. This course provides for not less than twenty weeks of special professional instruction, and it is one of the most valuable provisions pertaining to Normal training, because of the fact it provides for actual practice in the principles of teaching by students in shorter courses.

Upon the completion of this special course a certificate is issued by the board. This certificate contains the list of studies contained in the course and is valid throughout the State for a period of five years. It may be suspended or revoked by the State Board upon cause shown by any county board of examiners, or by any board of school officers.

Provision is also made for advanced courses of study of four years duration. Upon the completion of these courses the State Board of Education issues a certificate that operates as a life certificate, unless revoked by said board.

State certificates are also issued by this board to such persons as have taught in the schools of the State at least two years and who, upon thorough and critical examination, are found to possess eminent scholarship, ability, and good moral character. This certificate is valid throughout the State for ten years, and it may be renewed for a second term of ten years to such as teach continuously during the first term. Graduates of the literary and scientific departments of the University and of the incorporated colleges of the State are not required to teach preliminary to taking this examination. See Statutes of '89.

INSTITUTE FEES.

At the time of examination the secretary of the board of examiners is required to collect fees as follows: From applicants for third grade, males one dollar, females fifty cents; for second grade, males two dollars, females one dollar; for first grade, males three dollars, females one dollar and fifty cents. (155) All teachers, however authorized, are required to pay these fees.

The money so collected constitutes the county teachers' institute fund, and it is deposited with the county treasurer. This fund is used to support the county institute held by the Superintendent of Public Instruction. (157) The Superintendent is also authorized to hold a State Institute. This is for the State at large and is usually held at the State

capital. The expenses of this institute are paid out of the general State funds. (161)

Teachers are authorized to close school to attend a county institute that is being held within the county, and there can be no deduction of wages for time thus spent. (158)

TEACHERS' CONTRACTS.

A teacher can be legally hired only at a meeting of the school board. (40-109) After the board has thus engaged a teacher it becomes the duty of the director to draw the contract and to present it to the other members for further signature. In case the director refuses to sign the contract the other members may do so and the contract will be valid. (48)

This contract must be in writing, must state the wages agreed upon, and the length of the term. The teacher must be required to keep a proper register which shall show the number of pupils, and age and attendance of each, and he or she violates the provisions of the contract by failing to perform these requirements. (40)

A contract with a teacher who does not hold a certificate that is valid within the county is void. If the certificate expires during the period for which the contract is drawn said contract becomes void unless the teacher immediately secures a new certificate. (40)

If the district officers close the school on account

of the prevalence of contagious disease, and keep it closed for a time, and the teacher continues ready to teach she is entitled to full wages during such period. (43 Mich., 480.)

The Supreme Court of this State has also decided that it is against public policy to allow a teacher's wages to be reached by garnishment. (39 Mich., 489.)

When a contract is drawn for a given number of months it is construed to be for that number of months of twenty days each. (40.)

All contracts are subject to the legal holidays established by statute, and there can be no deduction of wages because of suspension of school on those days. (39 Mich., 484.)

The legal holidays are New Year's day (Jan. 1); Washington's birthday (Feb. 22); Decoration day (May 30); Independence day (July 4); Christmas day (Dec. 25); and Thanksgiving day, appointed by the president or governor. Whenever a legal holiday falls on Sunday the following Monday is to be observed instead. (School Law of '85, p. 67.) A teacher who teaches on a holiday cannot claim this as one day of the term. If the holiday falls on Saturday it cannot be so claimed.

A school board may engage and contract with a teacher even though the term is to begin in the future, and for a reasonable period beyond the time when an officer's term shall expire.

A teacher cannot be compelled to sweep, build

fires or to do other work of a similar character, except the contract contains a stipulation to that effect.

Although it has been held that a teacher cannot be legally employed except at a meeting of the board, (47 Mich., 626) yet, if a majority of the board employ a legally qualified teacher without meeting and without concert of action, and he enter upon his duties as teacher, the members of the school board recognizing him as such, by acts or by acquiescence, such acts and recognition will be a ratification of the contract, and it thus becomes valid. (61 Mich., 299; 62 Mich., 153.)

CHAPTER VIII.

COMMON SCHOOL REVENUES.

The moneys used for the support of common schools are derived from the following sources:

1. The interest from the Primary School Fund.
2. The one-mill tax.
3. Unappropriated dog tax in excess of one hundred dollars.
4. District school taxes.

PRIMARY SCHOOL MONEY.

The primary school money is divided among the school districts of the State in proportion to the number of school children in each. This division is made by the Superintendent of Public Instruction between the first and tenth days of May and November in each year.

This money is transferred by the State Treasurer to the county treasurer, by him to the township or city treasurer, and he, in turn, transmits it to the assessor of the district. This money can be used for no other purpose than the payment of teachers' wages. (38)

THE ONE-MILL TAX.

The supervisor of each township is required to assess one-mill on each dollar of the valuation of the taxable property of his township, and this is apportioned to the districts for school purposes, in proportion to the number of school children in each. (66) It is used exclusively for teachers' wages. (27)

THE DOG TAX.

An act requires the supervisor to levy a tax of one dollar upon each male dog and three dollars upon each female dog.

This money constitutes a fund to be used to compensate those whose sheep have been killed by dogs. If, after the payment of such losses, any sum in excess of one hundred dollars remains it is apportioned to the school districts of the township, proportionate to the number of school children in each. (S. L. '85, p. 58.)

DISTRICT SCHOOL TAXES.

It is the duty of the district board to estimate the amount of money necessary to be raised, in addition to the other funds coming to the district. This estimate is given to the township clerk, and the supervisor assesses the amount of the estimate upon the taxable property of the school district. (62)

This tax is collected by the township treasurer and paid over to the district assessor. (65)

FORFEITURE OF SCHOOL MONEYS.

Whenever a district fails to maintain the number of months of school required by law, it forfeits its proportion of the one-mill tax, the primary school money, and money raised by taxation; and these sums will be divided among the other districts of the township. (66 and Act XIII of the Constitution.)

A district also forfeits its public money by employing a teacher who has no valid certificate of qualification at the time she is engaged to teach. (38)

All the above mentioned funds are to be used solely for the support of the common schools. This term is not confined to the district or country schools, but it also includes all of the union and high schools of cities and villages. They are so designated because they are for the common benefit of all and are supported by a common fund.

A Graded school is one that is divided into departments and in which pupils are promoted from grade to grade.

A Union school is a graded school that has been formed by the union of two or more districts.

A High school is the upper department of a graded school of which a superintendent has charge.

These schools are usually managed by a board of five trustees. These members are required to elect from their own number a director, a moderator,

and an assessor. (108) These are the executive officers of the district and their duties are similar to those of like officers of ungraded districts.

CHAPTER IX.

FREE TEXT-BOOKS.

Act No. 147 of the statutes of '89 provides for free and uniform text-books in the following manner: At least ten days prior to the annual meeting, the board of each district is required to give notice to the qualified electors that the question of voting to raise money to purchase the text-books to be used by the pupils of the district will be submitted to them at such annual meeting. Only such electors as have property liable to taxation for school purposes are entitled to vote upon this question.

If at such meeting the board are so authorized they are required to estimate the amount necessary to purchase the books needed by the pupils. This amount is raised by a general tax upon the property of the district, and is collected in the same manner that other taxes are collected. On the first day of February next after the tax is levied, the director is required to proceed to purchase such books as are needed from the following list: Orthography, spelling, writing, reading, geography, arithmetic, gram-

mar, (including language lessons,) National and State history, civil government, and physiology and hygiene. The books thus selected from this list must be uniform in each branch and cannot be changed within five years. The board are required to make a list of those books selected and file a copy with the township clerk and to keep one posted in the school room.

The books purchased in pursuance of this act remain the property of the district and are loaned to the pupils of the district free of charge in accordance with such rules and regulations as the district board may establish. The provisions of the law do not, however, prevent any person from purchasing his or her text-books from the district board of the school which he or she may attend.

The district board of every district adopting the provisions of this act are required to make an annual estimate, in addition to other estimates, of the amount necessary to carry out its provisions.

When this system is once adopted as above specified it becomes the duty of the board to make a contract with some dealer or publisher to furnish the books used in the district at a price not greater than the net wholesale price of such books. And it is provided also that any district may authorize its district board to advertise for proposals before making a contract for books. It is further provided that any district board may purchase these books from any local dealer if the same can be pur-

chased as cheaply as of the party who makes the lowest bid to the district board.

If the officer or officers of any district that has voted to adopt the provisions of this act refuse or neglect to carry out these provisions, he or they will be deemed guilty of a misdemeanor, and, upon conviction thereof before a court of competent jurisdiction, be liable to a penalty of not more than \$50, or imprisonment in the county jail for a period not to exceed thirty days, or both in the discretion of the court.

Provision is made whereby a district board may take further action upon the provisions of this act at any subsequent annual meeting of the district.

CHAPTER X.

THE BOARD OF EXAMINERS.

The county board of school examiners is composed of three members. Two of these are elected by the township chairmen, one examiner each year. This election takes place at the office of the county clerk on the first Tuesday of August. (Pub. Acts, '87, p. 352.)

The term of office is for two years, or until a successor is duly elected and qualified, and a member enters upon the duties of his office on the fourth Tuesday of August. (Ibid.)

It is the duty of this board to meet on the Saturday following each examination to grant certificates to such teachers as are found qualified to receive the same. (Ibid.)

THE SECRETARY.

The two examiners elected by the township chairmen meet at the office of the Judge of Probate, on the fourth Tuesday of August in each year and elect a secretary of the board of examiners. (Pub. Acts,

'87, 352) 'The Judge' of Probate takes part in this election.

The secretary is the executive officer of the board and it is his duty to hold public examinations; to keep a record of the same; to sign certificates; to suggest plans for building and furnishing school-houses; to visit each district in the county at least once a year, and to counsel with teachers and school boards as to methods of teaching.

The secretary is empowered to appoint two assistant visitors whenever it is necessary to do so. (Ibid. 355.)

The secretary's salary is fixed by the board that appoints him, but it cannot exceed ten dollars for each district within the county, and in no case can it exceed fifteen hundred dollars per annum (Ibid.) The other members of the board receive four dollars per day for the time they are necessarily employed in the duties of the office.

The necessary expenses for stationery, printing, etc., are audited and allowed by the board of supervisors, but these cannot exceed two hundred dollars per annum. (Ibid.)

The secretary may be removed from office for immorality, incompetency or neglect of duty, by the board that appointed him. (Ibid.)

The other members may be removed for like causes by the Judge of Probate, but all charges must be in writing and the accused member must have notice thereof.

CHAPTER XI.

COMPULSORY AND REFORMATORY EDUCATION.

Several acts have been passed by the State legislature, the object of which is to compel parents and guardians of children to send them to some private or public school, or to give them instruction at home, for at least four months in each year, six weeks of which attendance must be consecutive. (180)

Only sickness or other bodily infirmity will excuse attendance, but the provisions of the acts do not apply to children who live more than two miles from a school house by the nearest traveled road. (180) Parents or guardians who violate this law are subject to a fine.

Provision is also made to prohibit the employment of any child under the age of fourteen, unless such child has attended school as above specified, and employers who violate this provision are subject to a fine of fifty dollars. (198)

An act also provides that cities and villages may

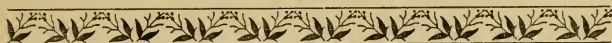
maintain ungraded schools for the education of disorderly or truant school children. (187)

The act includes such children between the ages eight and sixteen as are habitual truants from school, those who do not attend any school, and those who while at school are incorrigible and disorderly.

Policemen or constables may be delegated to apprehend such children, and while so employed are termed "Truant Officers." (188)

Parents of these truants are to be notified that their children are not attending school, or that they are unmanageable, and if they refuse to endeavor to have them attend the ungraded school they are subject to arrest.

In case the parent pleads his inability to manage such child or children, a warrant is issued for their arrest, and upon a proper showing the justice before whom the case is brought may sentence the child or children to the Reform School at Lansing, if a boy, or to the Industrial Home for Girls at Adrian, if a girl, for one year, or for a longer term not extending beyond the time when such child shall become sixteen years of age. (192)



PART III.



SUPREME COURT DECISIONS

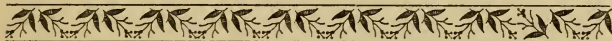
DEFINING THE

RIGHTS, DUTIES, AND POWERS

—OF—

TEACHERS, OFFICERS, PUPILS,

AND PATRONS.



RULES AND REGULATIONS.

The district board is empowered to make and enforce suitable rules and regulations for the government and management of the school. What rules and regulations are suitable is left to the sound discretion of the board. But while this is true all such rules and regulations must be reasonable. Their object should be to secure good order and discipline in the school, but they must be of such a nature as not to infringe upon the rights of parents and children.

It has been decided by the courts that whether or not a rule is reasonable is a question of law for the Court to decide, and not one of fact to be determined by a jury. 48 Vt., 476; 63 Ill., 356.

The Supreme Court of Iowa has given the following definition of a reasonable rule: "Any rule for the school, not subservient of the rights of children or parents, or in conflict with humanity and the precepts of Divine law, which tends to advance the object of the law in establishing public schools, must be considered reasonable and proper." 31 Ia., 565.

In many instances the board does not prescribe

such rules and regulations, and the care and management of pupils is left to the teacher unaided or unhampered by a long series of regulations formally adopted by the board and posted in the school room. In such a case the teacher is empowered, as *in loco parentis*, by the common law of the school, to enforce all needful rules and regulations for the management of the school and discipline of the pupils. Courts have held that rules made by a school board need not be recorded in order to become binding, and also that where rules have been made by the teacher, or by separate members of the board and without the knowledge of the remaining members, but subsequently ratified by the full board, they are binding. *Hodgkins vs. Rockport*, 105, Mass., 475. *Kidder vs. Chellis*, 59, N. H., 473.

In discussing the respective rights of teachers, school boards, and pupils the courts have decided that "Every student upon his admission into an institution of learning impliedly or expressly promises to submit to and be governed by all the necessary and proper rules and regulations which have been or may thereafter be adopted for the government of the institution. 82 Ind. 286, Reported in 42 Am. Rep., 496.

Regarding the powers of a teacher to act in absence of authority regularly conferred by a school board, Judge Lyons, of the Supreme Court of Wisconsin, said, "While the teacher or principal in charge of a public school is subordinate to the

school board or board of education of his district or city, and must enforce rules and regulations adopted by the board for the government of the school, and execute all its lawful orders in that behalf he does not derive all his power and authority in the school and over his pupils from the affirmative action of the board. He stands, for the time being, *in loco parentis* to his pupils, and, because of that relation, he must necessarily exercise authority over them in many things concerning which the board may have remained silent. In the school, as in the family, there exists on the part of the pupils the obligations of obedience to lawful commands, subordination, civil deportment, respect for the rights of other pupils, and fidelity to duty. These obligations are inherent in any proper school system, and constitute, so to speak, the common law of the school.

"Ever pupil is presumed to know this law, and is subject to it whether it has or has not been re-enacted by the district board in the form of written rules and regulations.

"Indeed, it would seem impossible to frame rules which would cover all cases of vicious tendency which the teacher is liable to encounter daily and hourly."

TEACHERS' CONTRACTS.

The statutes pertaining to the management of schools provide that the district board shall hire

and contract with such duly qualified teachers as may be required.

The statutes also provide that these contracts shall be in writing and signed by a majority of the members of the school board. The teacher who becomes a party to such contract must have a certificate of qualification from a board legally authorized to issue the same, and this certificate must be in force at the time of entering into the contract.

All of the statutory provisions for these contracts are essential parts thereof, and must be enforced even though they should have been omitted from the written contract. This has become the law of this State by the decision of the Supreme Court. In the case in question the court held that the statute that requires the teacher to keep a list of the pupils and the age of each imposes this duty upon the teacher, and this becomes in legal effect a part of his contract whether the written contract expressly stipulates it or not. 30 Mich., 249.

In all other respects these are governed by the same laws and rules of construction that govern other contracts. A statute provides that no act authorized to be done by the district board shall be valid unless voted at a meeting of the board. Because of this it was formerly supposed that there must be a regular meeting and concert of action by a majority of the board at such meeting in order to legally engage and contract with a teacher. But the Supreme Court of this State has held that when

a contract has been entered into and there has been part performance on the part of the teacher, without objection on the part of the officers or of any of them, such action will cure any defect that might have existed because of irregularity in not acting at a regularly called meeting of the board.

The court also held that such ratification need not be a *direct* proceeding to that end, but it may be shown *indirectly* by acts of recognition or acquiescence, or acts inconsistent with repudiation or disapproval. The court further held that the drawing of the teacher's orders for wages without objection by members of the board was a sufficient approval and recognition of the contract.

Crane vs. School Dist. No. 6, 61 Mich., 299.

The statute specifies that the contract shall mention the time of its duration. This leaves the matter of time to the sound discretion of the board, but it has been decided that such time must be reasonable and conducive to the best interests of the school.

Upon this point the Superintendent of Public Instruction for the State of New York decided, upon appeal, that agreements between teachers and trustees that either party may terminate the contract at any time are against public policy and therefore void.

Superintendent's Decisions for '88.

The Superintendent also decided that a contract for one day only, and to terminate every night, is

without the sanction of law or good usage and is therefore against sound policy. It was also decided that what is a reasonable time depends upon the circumstances and custom in each case. Therefore, if such a contract had been entered into between a school board and a teacher and a custom of hiring teachers for a given number of months prevailed in the locality, this custom would govern and the teacher might continue her work for that period notwithstanding the provisions of the written contract, unless the teacher's certificate should be suspended or annulled for cause by proper officials.

Superintendent's Decisions for '87.

See *Contra School Dist. vs. Colvin*, 10 Kan., 283:

The right of a school board to hire a teacher for a term extending beyond the term of office of its members has been questioned, but the courts have decided that this may be done. The only limitations placed upon this power is that the period for which the teacher may be thus engaged must be reasonable, and the contract must be made in good faith and without collusion and fraud.

The board of trustees for a graded school district for the State of New York engaged a principal for three years, and this term extended beyond the term of office of all of the members of the board. The matter was contested and upon an appeal for his decision the Superintendent said: "I am of the opinion that the respondent has the legal authority to employ a teacher for the school for a reasonable

time, even though the time extends beyond the term of office of any member of the board, and I am not prepared to say that three years is an unreasonable long one."

Superintendent's Decisions for '87.

This principle is also fully sustained by Supreme Court decisions found in the following reports:

47 Mich., 112; 63 Barb., 174; 67 N. Y., 36; 7 Wend., 182; 4 Hill, 168.

The contract of a teacher who is a minor is governed by the same rules of common law that govern the contracts of other minors, and, in accordance with these rules, the district is bound by such contract and must perform all its provisions, while the minor may decline to fulfill its terms. In such a case the district could not recover damages from the minor because his contract is voidable, but such damages may be used as a set off against any wages that may be due the teacher from the district.

See Schouler on Domestic Relations, 561.

If the minor enters into a contract with the knowledge or consent of his parent or guardian, or if he is compelled to support himself by his own efforts, he can collect his wages and the district is not holding for further payment to the parent or guardian.

15 Mass., 272; 3 Bart., 115; 23 Me., 569.

JANITOR WORK.

Although the teacher's contract may not contain a stipulation to that effect the teacher is bound to

take reasonable care of school property and to see that it is not wantonly or carelessly defaced by pupils. But this duty to care for property does not extend to and include sweeping, building fires, etc. This class of work is no more a part of the contract, unless it be specified therein, than the chopping of wood or building of fences around the school-yard.

Regarding this matter the Superintendent of Public Instruction for Missouri decided that "A teacher who contracts simply to teach school for a given number of months, for a given sum, is under no obligation to cut or carry in the fuel, sweep the school-house, or make the fires. It is as much the duty of the board to have these things done (by the teacher and the pupils if they *volunteer* to do them, or by paying for them otherwise) as it is to furnish a broom or a stove. The board has no power to compel, by rule, either teacher or pupils to do these things. But there will never be any trouble over this question except where there is outside meddling and internal contrariness.

Superintendent's Decisions, for 1878.

See Report of Supt. Briggs, for 1873.

Also State School Report for Kentucky, 1878, p. 161.

DETENTION OF PUPILS AFTER SCHOOL.

It sometimes becomes necessary for the teacher to detain a pupil after regular school hours, either as a means of punishment or for the purpose of instruct-

ing him in work that he may have neglected or omitted.

This, undoubtedly, the teacher has a right to do, but she should use good judgment as to the causes for detention; and the length of time that the pupil is detained should be reasonable.

Concerning this matter, Superintendent Daniel B. Briggs, in his excellent comments on the school laws of this State for 1873, says: "This practice has been sanctioned by general and immemorial usage among schools, and by the authority and consent of school boards, expressed or implied, and has been found useful in its influence and results. There is no law defining precisely the *school hours*, as they are termed, or the hours within which school is to be kept. This is regulated by usage, or by the directions of the school boards, varying in different localities, and also in different seasons of the year. The practice under consideration, of occasionally detaining pupils after the regular school hours for objects connected with the school arrangements, rests precisely upon the same authority. The same superintending power that regulates and controls in the one case, does the same thing in the other; yet, the right in question should always be exercised by teachers with proper caution, and a due regard for the wishes and convenience of parents."

ABSENCE ON CHURCH HOLY DAYS.

The Supreme Court of Vermont was called upon

in 1876 to decide a case that has created widespread discussion and interest from the fact it decides that a school board has authority to suspend children from school for absence contrary to rules requiring regular attendance, even though such absence be at the command of parents or a religious counselor, and for the purpose of attending religious services on a regular school day.

A Catholic priest of Brattleboro had requested the school board, on the morning of a holy day, by means of a note, to excuse Catholic children on all holy days; and the board replied that if this were done it would necessitate the closing of two schools and greatly interfere with the work in several others, and for these reasons they could not grant the request.

The day in question was *Corpus Christi* day, and is universally observed by Catholics as a holy day. On this occasion about sixty Catholic children were kept from school by their parents to attend church services, and this without first obtaining permission from the school board, who had declared that they could not grant such permission even if so requested.

For this they were informed by the board that they could not return unless they gave assurance that they would in the future conform to the rule requiring constant attendance. Both the parents and the priest were given to understand that, if they could assure the board that the schools would not again be so interrupted, the children might return.

This was refused and the claim made that such parents had an absolute right to keep their children from school on all days that were observed by them as holy days, regardless of any rule to the contrary that might be adopted by a school board.

Upon these facts an action was brought to restrain the board from enforcing the rule, such action being based upon the following reasons:

FIRST. "Their constitutional right to worship God according to the dictates of their own consciences, without being abridged in the enjoyment of their civil rights.

SECOND. "The right to exercise parental authority and government over their children as regards their moral training and culture."

Article III, of the Constitution of the State provides "That all men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God; * * and no authority can or ought to be vested in or assumed by any power whatever that shall in any case interfere with, or in any manner control, the rights of conscience in the free exercise of religious worship."

In the course of the opinion the Court said, "Article III was not designed to subjugate the residue of the Constitution, and the important institutions and appliances of the government provided by the enacted laws for serving the highest interests of the

public as involved in personal condition and social relations, to the peculiar faith, personal judgment, individual will, or wish of any one in respect to religion, however his conscience might demand or protest. In that respect it is implied that while the individual may hold the utmost of his religious faith, and all his ideas, notions, and preferences as to his religious worship and practice, he holds them in reasonable subserviency to the equal rights of others, and to the paramount interests of the public as depending on, and to be served by, general laws and uniform administration."

* * "Let it be granted that parents and others upon their own respective reasons, control the attendance of scholars, as against the official right of the committee in that behalf, and practically the ground of system and order and improvement has no existence. * * If a Catholic citizen should be serving on a jury in the midst of a trial when Divine service in his church on holy *Corpus Christi* should be in progress, would it be a violation of his rights under said Art. III. to compel him to keep his seat and serve through the trial? The same may be asked of the Jew or the Seventh-day Advent, who should be required to do like service on Saturday. The same may be asked of a devout Methodist, when a camp-meeting or a love-feast should be in progress in his vicinage. If either, or all, should refuse to serve, would their rights of conscience under Art. III be a valid

defence in a prosecution for the penalty in such case provided?"

* * "That article in the Constitution was not designed to exempt any person or persons of any sect, on the score of conscience as to matters of religion, from the operation and obligatory force of the general laws of the State, authorized by other portions of the same instrument, and designed to serve the purposes contemplated by such other portions; it was not designed to exempt any persons from the same subjection that others are under to the laws and their administration, on the score that such subjection at times would interfere with the performance of religious rites, and the observance of religious ordinances, which they would deem it their duty to perform and observe but for such subjection."

Regarding the right of the parents to "exercise parental authority and government over their children as regards their moral training and culture," the Court said, after stating that the object of the rule is to secure regular and constant attendance of pupils and the general welfare of the whole school,

* * "If the orators had a right to control the attendance of their children as against that rule, then the committee had not the right to maintain and enforce such rule. We are not prepared to sanction a view of the subject that would subordinate the authority of the committee, in the matter of the attendance of the registered scholars, to the

will of parents. On the other hand, we do not hesitate to hold and declare as a matter of law that, in this respect, the citizen is in subordination to the lawful rules for the regulation of schools, and the improvement of scholars in learning; and this is for the same fundamental reason that he is in subordination to the statutes themselves, on that or any other subject, and it is no more his right to defy or disregard those rules than it is to defy and disregard any statute that affects him as a citizen in respect to schools, or any other subject involving the common weal, as it is to be provided for under the Constitution by the legislation of the State."

After thus sustaining the school board in the enforcement of the rules in question the Court declares, "It is easy to suppose cases in which such enforcement would be beyond the lawful right of the committee. The rule itself, in terms and intent, contemplates as a penalty only where permission to be absent is withheld for want of reasonable cause shown. In case of casual sickness of the scholar; of sickness or death in the family of the scholar; or some impediment, like fire or flood; in case of various incidents of current life, giving occasion for temporary absence, the enforcement of the penalty of exclusion would, under such circumstances, be adjudged to be unauthorized under the statutes and law by which such subject is governed."

Undoubtedly this opinion would be very gener-

ally followed by the courts in similar cases, and it probably settles the law as regards the *right* of school boards to enforce rules which require regular attendance of pupils under similar circumstances; yet it must be admitted that it will appear oppressive, arbitrary and unjust to many who are sincere in the belief that they are in duty bound to attend services upon the holy days of their church.

And the experienced teacher will rightly conclude that to refuse these children, who are in all other respects exemplary and obedient scholars, the privilege of attending such services when it is the wish of their parents that they should do so, will occasion more trouble and bitter feeling, and be a greater detriment to the progress and welfare of the school than would be created by their absence on the few days that the articles of faith of their church may require them to engage in worship.

For these reasons it is highly probable that instances will be very rare indeed in which it will be found necessary to enforce such a rule, and that a sense of fairness and a desire to do what is best for all concerned will prevent teachers and school boards from excluding pupils from the benefits of schools under such circumstances.

IRREGULAR ATTENDANCE AND TARDINESS.

There are many instances in which the progress of school work is more retarded on account of tardiness and irregular attendance of pupils than from

all other causes combined. If a pupil is often absent from recitations it becomes impossible for him to keep up with school work. The lessons recited by the class during his absence are unlearned and this becomes a hinderance to him, an annoyance to the teacher and an obstacle to the progress of the whole class.

In view of these facts and for the benefit of the school, school boards have adopted rules requiring regular and punctual attendance, and teachers have enforced suspension because of non-compliance with such requirements, and such action has brought these matters before the courts for adjudication.

A case of this class was decided by the Supreme Court of Illinois in 1872. A school board had made a rule that required a teacher to bar the door against all pupils who were not present when school was called to order in the morning. This rule was enforced and an action was brought against the proper officials to determine their power to do so. In the course of the opinion the Court said: "The directors undoubtedly have the power to make and cause to be enforced all reasonable rules and regulations for the government of schools in their respective districts. What are reasonable rules is a question of law, and we do not hesitate to declare that a rule that would bar the doors of the school-house against little children who had come from so great a distance (a mile and a half) in the cold

winter, for no other reason than that they were a few minutes tardy, is unreasonable, and therefore unlawful. In its practical operation it amounts to little less than wanton cruelty." *Thompson vs. Begore*, 63 Ill., 356.

Two cases were brought before the Supreme Court of Iowa in 1871. Among other rules the district board adopted one that required the suspension of any pupil who should be absent six half days in any consecutive four weeks, two times tardy being counted as one absence, unless the pupil was detained by sickness or other unavoidable cause. And another rule that required all cases of absence or tardiness to be certified to by the parent or guardian in writing, or by messenger.

A boy had been both tardy and absent, and the teacher gave notice to the boy's father that his son was suspended under the above rule, but that he might return to school if proper excuse was given. The father answered that he had kept his son at home to work, and the trial showed that he was employed in preparing shrubbery for winter, taking care of two cows, and attending to the marketing for the family. The teacher was also informed that there could be no assurance of anything different for the future, and that the father claimed the right to the services of his son whenever he might require them, regardless of the rule. In the second case the parents replied that their daughter was kept out of school to go upon a visit with them.

Action was brought to prevent the officers from enforcing the first rule on the ground that it was unreasonable, oppressive, and unjust. The court held that the rule was reasonable and sustained the school board in both cases of suspension. The opinion was given by Judge Beck, who said: "It requires but little experience in the instruction of children and youth to convince any one that the only means which will assure progress in their studies is to secure their attendance, the application of the powers of their minds to the studies in which they are instructed." * * * * *

"This application of the mind in children is secured by interesting them in their studies. But this cannot be done if they are at school one day and at home the next, if a recitation is omitted or a lesson left unlearned at the whim or convenience of parents. In order to interest a child he must be able to understand the subject in which he is instructed. If he has failed to prepare previous lessons he will not understand the one which the teacher explains to him. If he is required to do double duty, and prepare a previous lesson, omitted to make a visit or do an errand at home, with the lesson of the day, he will fail to master them and become discouraged. The inevitable consequence is that his interest flags and he is unable to apply the powers of his mind to the studies before him. The rule requiring constant and prompt attendance is for the good of the pupil and to secure the very

objects the law had in view in establishing public schools. It is therefore reasonable and proper.”

* * * “Tardiness, that is, arriving late is a direct injury to the whole school. The confusion of hurrying to seats, gathering together of books, etc., by tardy ones, at a time when all should be at study, cannot fail to greatly impede the progress of those who are regular and prompt in attendance. The rule requiring prompt and regular attendance is demanded for the good of the whole school.”

The case further decides that although it was argued that the rule interferes with the home management of the pupil, and deprives the parent of the right to the services and society of his child, these were not valid reasons why such absence or tardiness should be allowed to interfere with the proper management and advancement of the school.

Upon the point that absence and tardiness were acts committed out of school hours it was decided that inasmuch as such acts in their effects and consequences operate upon the school, they were subject to the control of proper authority.

Judge Beck also declares that in case of very poor parents who may really need the aid of their children to help earn a livelihood for the family, or to attend home duties while parents are laboring, these would be subject to the “unavoidable causes” given in the first rule; and that school boards and teachers should permit such unavoidable absence for the benefit of those who are so unfortunate.

Benedict vs. Babcock and Chandler vs. Babcock, 31 Iowa, 562.

See also Landers vs. Seaver, 32 Vt., 114.

Sherman vs. Charlestown, 8 Cush., 160.

Spiller vs. Woburn, 12 All., 127.

Donahoe vs. Richards, 38 Me., 379.

Russel vs. Lynnfield, 116 Mass., 366.

King vs. Jefferson City School Board, 71 Mo., 628.

ACTS OF PUPILS COMMITTED OUT OF THE SCHOOL ROOM.

The question as to who shall have control of pupils in relation to acts committed outside of the school room and on the way to and from school frequently creates much discussion, and in many instances it becomes a perplexing matter for teachers and school boards. It has frequently been before the courts and a careful examination will warrant the following statement as to the principle that applies in these cases:

If the act committed by the pupil is of such a nature that its consequences reflect directly upon the school so as to create disorder therein, or to become detrimental to discipline or the general welfare of the school, then the teacher or the school board has authority to act in the matter *wherever the act may be committed*.

This may be regarded as a broad principle to lay down but it is supported by courts of the highest authority. Of course, the place and nature of the

act must both be taken into consideration in assuming control over the pupil; and what might justify action by the teacher in one instance should, in another, of a different nature or in a more remote place, be referred to the school board.

The case that justifies the above statement was decided by the Supreme Court of Vermont in 1859. School had closed and the pupil, a boy of about eleven years of age, had returned to his home. About one hour and a half *after the close of school and after he had reached home* and was driving his father's cow from the pasture, at this time and in the presence of other pupils of the same school, while the teacher was passing, he referred to him as "Old Jack Seaver" in a contemptuous and insulting tone.

The next morning the teacher called upon the pupil to account for his conduct of the evening previous, and then punished him with a small rawhide whip. Upon these facts an action of trespass was instituted against the teacher for an assault and battery.

In the course of the opinion the Court said, "The first question presented is, has a schoolmaster the right to punish his pupils for acts of misbehavior committed after the school has been dismissed, and the pupil has returned home and is engaged in his father's service? It is conceded that his right to punish extends to school hours, and there seems to be no reasonable doubt that the supervision and

control of the master over the scholar extends from the time he leaves home to go to school till he returns home from school."

* * * "But in this case, as appears from the bill of exceptions, the offense was committed an hour and a half after the school was dismissed, and after the boy had returned home and while he was engaged in his father's service. When the child has returned home, or to his parents' control then the parental authority is resumed and the control of the teacher ceases, and then, for all ordinary acts of misbehavior, the parent alone has the power to punish.

"It is claimed, however, that in this case the boy, 'while in the presence of other pupils of the same school, used towards the master and in his hearing contemptuous language, with a design to insult him, and which had a direct and immediate tendency to bring the authority of the master over his pupils into contempt, and lessen his hold upon them and his control over the school.' " * * *

"This misbehavior, it is especially to be observed, has a direct and immediate tendency to injure the school, to subvert the master's authority, and to beget disorder and insubordination. It is not misbehavior generally or towards other persons, or even towards the master in matters in no way connected or affecting the school. For as to such misconduct, committed by the child after his return

home from school, we think the parents, and they alone, have the power of punishment."

"But where the offense has a direct and immediate tendency to injure the school and bring the master's authority into contempt, as in this case, when done in the presence of other scholars and of the master and with a design to insult him, we think he has the right to punish the scholar for such acts if he comes again to school. The misbehavior must not have merely a remote and indirect tendency to injure the school."

"All improper conduct or language may perhaps have, by influence and example, a remote tendency of that kind. But the tendency of the acts so done out of the teacher's supervision, for which he may punish, must be direct and immediate in their bearing upon the welfare of the school, or the authority of the master and the respect due to him." * *

Acts done to injure or deface the school-room, to destroy the books of scholars, or the books or apparatus for instruction, or the instruments of punishment of the master; language used to other scholars to stir up disorder and insubordination, or to heap odium and disgrace upon the master; writings and pictures placed so as to suggest evil and corrupt language, images and thoughts to the youth who must frequent school—all such or similar acts tend directly to impair the usefulness of the school, the welfare of the scholars, and the authority of the master."

“By common consent and by the uniform custom in our New England schools the master has always been deemed to have the right to punish such offenses. Such power is essential to the preservation of order, decency, decorum, and good government in schools.”

Lander vs. Seaver, 32 Vt., 114.

See also Benedict vs. Babcock, 31 Ia., 562.

Sherman vs. Charlestown, 8 Cush., 160.

SELECTION OF STUDIES.

It is provided that the district board shall specify the studies to be pursued, and prescribe the textbooks to be used. This provision is made to secure a course of study for the school as an entirety, and does not contemplate that the board shall specify the particular studies that each pupil shall pursue. This matter is almost universally left to the judgment of the teacher, who, because of his peculiar knowledge of the capabilities of the child and of the advancement he has already made, is usually better qualified to determine what are the needs of the pupil than any other person can be.

But notwithstanding this there seems to be a direct conflict between the decisions of able courts on this question; for it has been decided that a parent has the paramount right to make a reasonable choice of the studies in the course prescribed by the school board, and may require that his child shall be instructed in such studies, notwithstanding

the teacher may insist that such child shall pursue a different study, or a study in addition to the ones selected by the parent.

This view is based mainly upon a decision of the Supreme Court of Wisconsin. This was written by Judge Cole and has occasioned much discussion in both legal and educational circles.

In this case a parent had sent his son, twelve years of age, to school, and had given him directions to study orthography, reading, writing, and arithmetic, and to make a specialty of the latter study, as he desired him to assist in keeping accounts. The teacher required the boy to study geography in addition to the topics named. Then the father ordered his son not to study geography but to devote his time to the studies he had already selected. Upon being informed of this action on the part of the parent the teacher insisted that the boy was under her control in this regard and, because of the pupil's refusal to obey her, resorted to corporal punishment to enforce her commands. Upon these facts the father instituted a criminal prosecution against the teacher for an assault and battery committed upon the boy.

Upon the trial of the cause the Circuit Judge, among other instructions, charged the jury that "When a parent sends his child to a district school he surrenders to the teacher such authority over the child as is necessary to the proper government of the school, the classification and instruction of

the pupils, including what studies each scholar shall pursue, these studies being such as are required by law, or are allowed to be taught in public schools." And again, "But when the differences were irreconcilable on the subject, the views of the parent in that particular must yield to those of the teacher, and that the parent, by the very act of sending his child to school, impliedly undertakes to submit all questions in regard to study to the judgment of the teacher."

The jury brought in a verdict in favor of the teacher, but upon appeal the Supreme Court reversed this judgment and with reference to the charge of the Circuit Judge, above cited said:

"In our opinion there is great and fatal error in this part of the charge, particularly when applied to the facts in this case, in asserting or assuming the law to be that, upon an irreconcilable difference of views between the parent and teacher as to what studies the child shall pursue, the authority of the teacher is paramount and controlling, and that she had the right to enforce obedience to her commands by corporal punishment." * * "We do not really understand that there is any recognized principle of law, nor do we think that there is any rule of moral or social usage, which gives a teacher an absolute right to prescribe and dictate what studies a child shall pursue, regardless of the wishes or views of the parent, and, as incident to this, gives

the right to enforce obedience even as against the orders of the parent."

* * * "Now we can see no reason whatever for denying to the father the right to direct what studies, in the prescribed course his child shall take. He is as likely to know the health, temperament, aptitude, and deficiencies of his child as the teacher, and how long he can send him to school. All these matters ought to be considered in determining the question what particular studies the child should pursue at a given term. And where the parent's wishes are reasonable, as they seem to have been in the present case, and the teacher could in no way have been embarrassed, her conduct in not respecting the order given the boy was unjustifiable. If she had allowed the child to obey the commands of his father it could not possibly have conflicted with the efficiency or order or well-being of the school. The parent did not propose to interfere with the gradation or classification of the school, or with any of its rules and regulations, further than to assert his right to direct what studies his boy should pursue that winter. And it seems to us a most unreasonable claim on the part of the teacher to say that the parent has not that right, and, further, to insist that she was justified in punishing the child for obeying the order of his father rather than her own."

* * * "It seems to us that it is idle to say that the parent, by sending his child to school,

impliedly clothes the teacher with that power in a case where the parent expressly reserves the right to himself, and refuses to submit to the judgment of the teacher the question as to what studies his boy should pursue.”

* * “Certain studies are required to be taught in the public schools by statute. The rights of one pupil must be so exercised, undoubtedly, as not to prejudice the equal rights of others. But the parent has the right to make a reasonable selection from the prescribed studies for his child to pursue, and this cannot possibly conflict with the equal rights of other pupils.

In the present case the defendant did not insist that his child should take any study outside of the prescribed course. But, considering that the study of geography was less necessary for his boy at that time than some other branches, he desired him to devote all his time to orthography, reading, writing and arithmetic.”

* * “He wished to exercise some control over the education of his son, and it is impossible to say that the choice of studies which he made was unreasonable or inconsistent with the welfare and best interest of his offspring, and how it will result disastrously to the proper discipline, efficiency, and well-being of the common schools to concede this paramount right to the parent to make a reasonable choice from the studies in the pre-

scribed course, which his child shall pursue, is a proposition we cannot understand."

* * "It is unreasonable to suppose any scholar who attends school can or will study all the branches taught in it. From the nature of the case some choice must be made, and some discretion be exercised as to the studies which the different pupils shall pursue. The parent is quite as likely to make a wise and judicious selection as the teacher. At all events, in case of a difference of opinion between the parent and the teacher upon the subject, we see no reason for holding that the views of the teacher must prevail." * *

Morrow vs. Wood, 35 Wis., 59.

See also Rulison vs. Post, 79 Ill., 567.

Trustees vs. The People, 87 Ill., 303.

The opinion has been expressed that this decision only established the fact that the teacher was not justified in punishing the boy for obeying his father's commands rather than her own. But it seems very clear that this is not the case, and that the court very emphatically decides that the father had "*the right to direct what studies in the prescribed course his child should take.*"

Other courts have expressed far different views upon this subject and have rendered opinions that are in direct conflict with those of Wisconsin and Illinois.

In 1876, the Supreme Court of Ohio decided where the statute authorized a school board to

determine "what studies and parts of studies shall be taught," the pupils attending the school are bound to comply with the rules of the school and take such studies as are in the prescribed course. In this case a boy refused to study rhetoric, and was sustained in this refusal by his father; and the teacher, with the approval of the school board, suspended him. Then the father instituted a civil action for damages for such suspension, but failed in his suit, the court deciding that the right to select the studies to be pursued rested with the board and not with the pupil or his father.

Sewell vs. Board of Ed., 29 O. St. Rep., 89.

It will be noticed that, unlike the Wisconsin case this decision determines a conflict of rights between the school board and parent or pupil, but it also determines that the father *does not have the right* to decide what studies his son shall or shall not pursue.

But in 1879 the Supreme Court of New Hampshire rendered a decision directly upon the respective rights of the teacher and parent regarding the selection of studies to be pursued by the child, and declared that they could not follow the precedent established by the court of Wisconsin.

In this case the teacher had required his pupils to take part in rhetorical exercises. The pupil, following the advice of his parents, refused to comply with this requirement. The teacher then gave him four or five days in which to obey his rules in this

respect, and told him that if he did not do so by the time set he must leave the school. On the morning of this day the boy came to school and was sent home to remain until he consented to conform to the rule. He came back in the afternoon, but still refused to comply with the regulation. Then he was requested to leave and upon refusal to do so, was put out of the school-house by such force as was necessary. There were other facts in the case, but with reference to those stated, the Court said: "The plaintiff was informed that he must submit to the rule in question by declaiming on Feb. 3rd, or leave the school. By remaining, he tacitly consented to submit, and gave the defendant authority to compel obedience; or he was a trespasser, and the defendant had a right to expel him. *If Morrow vs. Wood, 35 Wis., 59, sustains this action, we are unable to follow the decision in that case.*"

* * "The power of each parent to decide the question what studies the scholar should pursue, or what exercises they should perform, would be a power of disorganizing the school, and practically rendering it substantially useless. However judicious it may be to consult the wishes of the parents, the disintergrating principle of parental authority to prevent all classification and destroy all system in any school, public or private, is unbeknown to the law. As no unnecessary force was used to remove the plaintiff from the house for non-

compliance with a reasonable and useful regulation of the school, the plaintiff cannot recover, and the defendant is entitled to judgment on the report."

Here we have a direct conflict between courts of last resort upon a matter that concerns the management, discipline, and progress of common schools. One court holds that the parent has the right to select studies, the other that he has not; another holds that the right belongs to the school board, and still another that it does not, and that the parent has the right of selection.

In view of this conflict let us examine the state of affairs that must exist in any or every school if the principles enunciated by the Wisconsin court are to be followed, and the parent is to direct what studies his child shall pursue. Suppose that all the members of a given class are duly qualified and are studying reading, spelling, arithmetic and geography. Now, Mr. Smith decides that his son Tom shall not study geography, and that he shall study the remaining topics and pay particular attention to arithmetic; Mr. Jones determines that his son Dick shall not study arithmetic and shall devote that time to geography; Jenkins announces that his Harry shall not study spelling and shall give special attention to writing. When Tom, Dick, and Harry have each pursued his favorite study for a given time it will be discovered that each is in advance of the rest of the class in that

study. He is now pursuing the study alone and must have more or less assistance from the teacher or he will fall into incorrect habits of study, and form incorrect ideas of the subject under consideration.

If the teacher assists him in this advanced work in order to keep him right, it takes extra time and this becomes a detriment to the rest of the class and the whole school. If she does not do this the incorrect notions that each has fallen into will be a hinderance to the remainder of the class at the regular recitation. Hence, in either case, this state of affairs must prove detrimental to the well-being of the school. In other words, such a plan must necessarily result in disorder.

For this reason, that is to secure the well-being of the school as a unit, in order to secure the greatest good to the greatest number, there must be a recognized head for the school. Some one must have the power of arranging classes and of directing what studies each shall pursue.

This undoubtedly should be the teacher and not the parent, for in that case there would be as many managers as there are families in the district.

Therefore, we can but conclude that, with all due deference to the opinion of the learned members of the Supreme Courts of Wisconsin and Illinois in other matters, the experienced teacher, and probably many jurists, will be of the opinion that the principle announced by those courts would be con-

ducive to disorder and prove an obstacle to correct work in the school-room, and hence that it is not good law.

USE OF THE BIBLE IN THE SCHOOL ROOM.

There are few matters connected with school work that have created such bitter discussions and controversies as the use of the Bible in schools, the pupils of which are of conflicting religious views and modes of worship.

Such controversies arise between pupils or parents who believe in the teachings of the Protestant Bible and those who are of the Catholic faith; or, perhaps between either of these and the Jew, who believes in the teachings of neither.

A statute provides that the district board "shall specify the studies to be pursued" and "shall have the general care and management of the school, and shall make and enforce suitable rules and regulations for its government and management."

It follows that the matter of determining whether or not a school shall be opened by reading a portion of the Bible, or with prayer, rests solely with the school board, because of the fact the board has the general management of the school, and such management extends to the general exercises adopted by the board and carried into effect by the teacher.

Doubtless there are cases where the exercise of such authority becomes detrimental to the well-being of the school, but, although there are decis-

ions to the contrary, the great weight of authority supports this proposition.

In accordance with a statutory provision sectarian schools are barred, and it is apparently the spirit and intent of the laws of this State to prevent sectarian teaching in the public schools. But Supreme Courts have very generally held that where these exercises consist of reading a portion of the Scriptures without comment, or of repeating the Lord's prayer, these and other similar exercises are not sectarian in character, because of the fact they do not extend to the teaching of any particular faith, and those who may hear or take part in them are in no way required to assent to or deny their truth or falsity.

Regarding the constitutionality of such a law, Judge Cooley says that where the law gives the board discretion to require the reading of the Bible as a general exercise, the courts have refused to interfere with such discretion; and that no court of last resort has ever held that a rule adopted by a public school-board, requiring that the Bible should be read in the schools under its charge is unconstitutional. On the contrary, it has been held by the highest courts in several of the States that such a rule is entirely proper and not unconstitutional. Cooley on Torts, 289.

The Supreme Court of Maine has rendered a decision that supports these principles. A school-board of that State required that all pupils who

could do so should read from the Protestant Bible. A member of the school, a Catholic girl, refused to obey the rule because of conscientious religious scruples, and because she believed it sinful to do so, and for such refusal she was expelled from the school. For this expulsion she brought an action against the school board, but the Supreme Court decided in favor of the defendants.

In the course of the opinion the Court uses the following language: "The power of selection (of books) is general and unlimited. The manner of its exercise must depend upon the judgment, discretion, and intelligence of the different committees. The actual selection at a given time and place depends upon the views and opinions of those upon whom the law devolves this duty. The power of ultimate decision must rest somewhere. No right of appeal is granted. No power of revision is conferred upon any other tribunal." * * "This Court cannot make an affirmative rule as to what books shall be selected, nor a negative rule prescribing what shall not be used, if the right to select be exercised in conformity with existing statutes and the Constitution."

* * "The committee may enforce obedience to all regulations within the scope of their authority. If they may select a book, they may require the use of the book selected. If the plaintiff may refuse to read in one book, she may in another, unless, for some cause, she is exempt from the duty of obe-

dience. If she may decline to obey one requirement, rightfully made, then she may another, and the discipline of the school is at an end. It is for the committee to determine what misconduct requires expulsion."

* * "The question, therefore, is whether, if the legislature should by statute direct any version of the Bible to be read in schools, and should impose the penalty of expulsion, in the case of refusal, such statute would be a violation of the Constitution. The use of the Bible as a reading book is not prohibited by any express language of the Constitution. Is its use for that purpose in opposition to the spirit and intent of that instrument? If it be not, if it be a book which may be directed, within the spirit and meaning of the Constitution, to be used in schools, it is obvious that its use may be required by all." * *

"The case finds that the authorities of the sect of which the plaintiff is a member regard it sinful to read in the version directed by the defendants; but if a book is to be excluded for that cause in one instance, it must be in all, and the use of books would be made to depend, not upon the judgment of those to whom the law entrusts their selection, but upon the authorities of a church, so that each sect would have precedence as a sect and for that cause."

* * "The real inquiry is, whether any book opposed to the real or asserted conscientious

views of a scholar can be legally directed to be used as a school-book, in which such scholar can be required to read. The claim, on the part of the plaintiff, is that each and every scholar may set up his own conscience as over and above the law. It is a claim of an exemption from a general law because it may conflict with the particular conscience."

* * "The claim, so far as it may rest on conscience, is a claim to annul any regulation of the State made by its constituted authorities. As a right existing on the part of one child it is equally a right belonging to all. As it relates to one book, so it may apply to another—whether relating to conscience or to morals." *Donahoe vs. Richards*, 38 Me., 379.

In 1880, the Supreme Court of Illinois rendered a decision that conforms to the principles laid down in the Maine case. This case, in accordance with the weight of authority, also decides that when school officers act honestly and in good faith, and in the discharge of their duty, expel a pupil from school, using the discretion and judgment vested in them by statute, then they act judicially, and are not liable to pupils or parents for such expulsion, or other similar acts.

The action was one of trespass on the case brought against the teacher and directors of a school for the expulsion of a pupil. The board had adopted a rule permitting the teacher to open school each morning by reading from the King James transla-

tion of the Bible, not to exceed fifteen minutes. The rule did not require the pupils to take part in the reading, but all pupils were required to lay aside their work and remain quiet while the exercise continued. The plaintiff in the case, a Catholic boy, refused to so lay aside his books, and was suspended from the school until he should express a willingness to comply with the rule.

The school law of Illinois, like that of this State, requires the school board "to adopt and enforce all needful rules and regulations for the management and government of schools;" and also "to direct what branches of study shall be taught, and what text-books and apparatus shall be used."

In the course of the opinion, Judge Pillsbury, says: "What rules and regulations will best promote the interests of the school under their immediate control, and what branches shall be taught and what text-books shall be used, are matters left to the determination of the directors, and must be settled by them from the best lights they can obtain from any source, keeping always in view the highest good of the whole school.

"Good order can only be obtained by enforcing discipline, and this power is largely committed to the directors. They have the power of suspension or expulsion from the benefits and privileges of the school for what is considered 'incurable bad conduct' and this implies discretion and deliberation on the part of the directors, or, as it is sometimes ex-

pressed, they act judicially in a matter involving discretion in relation to the duties of their office."

McCormick vs. Burt, 95 Ill., 263.

See also Bd. of Ed. of Cincinnati vs. Minor, 23 Ohio, St., 211.

The principles enunciated in these cases clearly indicate that where the statute vests the power to select and adopt books to be used by the school, and to make necessary rules for its management and government, such authority includes the power to require the use of *any version of the Bible, Catholic or Protestant*, and also of the Lord's Prayer, as a general exercise by the teacher or pupils.

But while the weight of authority sustains this view of the case, there are doubtless many instances where the enforcement of the principles laid down must directly conflict with the religious principles of a large number of the pupils and patrons of the school. These, perhaps, have been taught to believe and really feel that they are committing sin by taking part in any such exercises. It is contrary to what they believe to be right. There has been such a training of conscience that such an act actually causes distress of mind.

What good can possibly come to such a person by compelling him to take part in reading what he may believe to be untrue; or, perhaps, to pray in a manner different from that in which his own free will and conscience would lead him?

It is admitted that, in accordance with the rulings of courts of last resort, a school board may require Catholic children to read from the Protestant version of the Bible; Protestant children to read from the Catholic version; or Jewish children from either of these, such reading to be conducted without note or comment on the part of the teacher.

But the real question to be considered is, will the children, to whom such reading or prayers may be obnoxious, be benefited thereby? And will such an exercise become beneficial to the school, the members of which are of different shades of religious belief?

It is quite evident that these questions must be answered in the negative; and that, in communities where such a state of affairs exists, it is unwise, unjust, and repugnant to a sense of fairness and a just regard for the rights of others to *compel* them to take part in these exercises or be deprived of the benefits of the school.

Although these views do not accord with the expressed opinions of courts, they are supported by authority that is quite as likely to be right in matters pertaining to the management of schools.

The laws of the State of New York require all controversies pertaining to the discipline of pupils and control of schools to be decided, upon appeal, by the State Superintendent of Common Schools. The following is an extract from an opinion by Superintendent John C. Spencer:

* * "Prayers cannot form any part of the school exercises, or be regulated by the school discipline." * * "But neither they (parents) nor the teacher have any authority to compel the children of other parents who object to the practice from dislike of the individual or his creed, or from any other cause, to unite in such prayers."

"And, on the other hand, the latter have no right to obstruct the former, in the discharge of what they deem a sacred duty. Both parties have rights; and it is only by a mutual and reciprocal regard by each to the rights of the other that peace can be maintained or a school can flourish."

"The teacher may assemble in his room before nine o'clock the children of those parents who desire him to conduct their religious exercises for them; and the children of those who object to the practice will be allowed to retire or absent themselves from the room. If they persist in remaining there, they must conduct themselves with decorum and propriety becoming the occasion. If they do not do so they may be dealt with as intruders."

Subsequent to the rendering of this decision a teacher required a Catholic boy to read from the Protestant Testament. To this he objected on the ground that he did not believe in the teaching of any but the Catholic Bible. The teacher then referred the matter to the trustees of the school, and thereafter again required him to read. He again objected on the ground of "his unwillingness to

disobey the orders of his parents and the precepts of his religion."

Upon such refusal the teacher first chastised him with a ferule and then expelled him from the school. The boy then appealed to State Superintendent, Henry S. Randall, who, in the course of his opinion, makes use of the following: "I believe that they (the Scriptures) may, as a matter of right, be read as a class book by those whose parents desire it. But I am clearly of the opinion that the reading of no version of them can be forced on those whose conscience and religion object to such version."

In accordance with these and other decisions it may be stated that the law on this point is well settled in New York; and that pupils cannot be compelled to take part in or to attend any religious exercises during school hours, and we conclude that the decisions are based upon sound principles.

Undoubtedly the correct moral training of pupils is as essential as mental culture, and in all cases they may be benefited by the correct presentation of moral incentives. In many instances this may be accomplished by the reading of such selections from the Bible as will train pupils to respect truth and the rights of their fellows. But in all cases when such a course will create contention and disorder in the school, other means should be employed to secure the same results; and in no case should a pupil be compelled to take part in the reading of

the Bible, or the repeating of prayers, if he objects because of religious scruples.

CORPORAL PUNISHMENT.

Although corporal punishment is less severe in its consequences than expulsion, it should not be resorted to until other means have been faithfully tried, and these have failed to secure the obedience of the pupil to reasonable requests or commands.

But when such means have failed, or when it becomes necessary to resort to the use of the rod to secure a proper discipline of the school, the teacher has the legal right to do so.

This right does not exist because of statutory enactments, but it is an inherent right that pertains to his office as teacher. He acts, for the time being, *in loco parentis*, and because of this he is given the same right to punish that a parent has; but all such punishment must be reasonable and for good cause; otherwise the teacher becomes liable for damages, or may be called upon to answer to a criminal charge for an assault and battery.

It is highly probable that the tendency of modern opinion is against anything that savors of immoderate or cruel punishment, and in some localities against permitting corporal punishment in any form. Regarding this, Judge Cooley, in his Commentaries on Blackstone, says: "It may be proper to observe, however, that public sentiment does not tolerate corporal punishment of pupils in schools as

was formerly thought permissible, and even necessary.”

It is also a notable fact that the successful teacher of experience resorts to corporal punishment much less frequently than he did during the early years of his work. It is probable that this is due to the fact that his experience has taught him that proper management will avoid the necessity of such punishment in a great majority of cases where it is used; and that tact and kindness overcome many of the perplexing obstacles that are met in the school-room.

So long as the teacher can avoid the use of the rod and maintain his authority and reasonably good order he should do so. But it would be folly for the teacher to announce that he would not resort to this mode of punishment in any case, or for a school board to deprive the teacher of this right. Such a course will frequently occasion trouble that would not otherwise arise. There are pupils who will conduct themselves in a more becoming manner if they fully understand that the teacher will inflict corporal punishment in cases that may require it.

The Supreme Court of North Carolina has rendered a decision that fully defines the extent of the teacher's authority in inflicting corporal punishment. This opinion is one of the ablest yet written on the subject. It was delivered by Judge Easton, who in the course of the opinion said: “It is not

easy to state with precision the power which the law grants to school-masters and teachers with respect to the correction of their pupils. It is analogous to that which belongs to parents, and the authority of the teacher is regarded as a delegation of parental authority."

"One of the most sacred duties of parents is to train up and qualify their children for becoming useful and virtuous members of society; this duty cannot be effectually performed without the ability to command obedience, to control stubbornness, to quicken diligence, and to reform bad habits; and to enable him to exercise this salutary sway he is armed with the power to administer moderate correction, when he shall believe it to be just and necessary."

"The teacher is the substitute of the parent; is charged in part with the performance of his duties, and in the exercise of those delegated duties is invested with his power."

"The law has not undertaken to prescribe stated punishments for particular offenses, but has contented itself with the general grant of the power of moderate correction, and has confined the gradation of punishments, within limits of this grant, to the discretion of the teacher."

"The line which separates moderate correction from immoderate punishment can only be ascertained by reference to general principles. The wel-

fare of the child is the main purpose for which pain is permitted to be inflicted.”

“Any punishment, therefore, which may seriously endanger life, limbs, or health, or shall disfigure the child, or cause any other permanent injury, may be pronounced in itself immoderate, as not only being unnecessary for, but inconsistent with, the purpose for which correction is authorized.”

“But any correction, however severe, which produces temporary pain only, and no permanent ill, cannot be so pronounced, since it may have been necessary for the reformation of the child, and does not injuriously affect his future welfare.”

“We hold, therefore, that it may be laid down as a general rule, that teachers exceed the limits of their authority when they cause lasting mischief; but act within the limits of it when they inflict temporary pain only.”

State vs. Pendergrass, 2 Dev. & Batt., 365.

Although this case contains a general rule for determining liability, each case must necessarily be decided in accordance with the circumstances surrounding it. What might justify a teacher in one case would not in another, but in all cases there must be no unreasonable violence, and the punishment must be administered without malice and for the sole purpose of maintaining the teacher's authority and good order in the school-room.

4 Gray, Mass., 36.

14 Johns., Ind., 119.

The objects for which the punishment of pupils is permitted has been admirably stated by a Circuit Judge of Iowa, and commented upon by the Supreme Court of that State. It is as follows: "The legal objects and purposes of punishment in schools are like the objects and purposes of the State in punishing the citizen. They are three-fold:

1. "The reformation and highest good of the pupil."

2. "The enforcement and maintenance of correct discipline in school."

3. "As an example to like evil doers."

"And in no case can the punishment be justifiable unless it be inflicted for some definite offense or offenses which the pupil has committed, and the pupil is given to understand he or she is being punished for."

* * "It does not require the teacher to state to the pupil in clear and distinct terms the offense for which he or she is being punished. It only requires that the pupil as a reasonable being, should understand from what occurs for what the punishment is inflicted."

State vs. Mizner, 50 Iowa, 145.

Courts have held that all persons who attend school are subject to the rules thereof, and that a teacher would not be liable for punishing a disobedient pupil who is more than twenty-one years of age, if the circumstances of the case justify it.

Stevens vs. Fasset, 27 Me., 266.

The following extracts from an opinion by the Supreme Court of Indiana contain much to commend it to the careful consideration of the profession.

"The law still tolerates corporal punishment in the school-room. The authorities are all that way, and the legislature has not thought proper to interfere. The public seem to cling to a despotism in the government of schools which has been discarded everywhere else. Whether such training be congenial to our institutions, and favorable to the development of the future man, is worthy of serious consideration, though not for us to discuss."

"In one respect the tendency of the rod is so evidently evil that it might perhaps be arrested on the ground of public policy. The practice has an inherent proneness to abuse. The very act of whipping engenders passion, and very generally leads to excess. Where one or two stripes were first intended, several usually follow, each increasing in vigor as the act of striking inflames the passions. This is a matter of daily observation and experience."

"Hence the spirit of the law is, and the leaning of the courts should be, to discountenance a practice which tends to excite human passions to heated and excessive action, ending in abuse and breaches of the peace."

"Such a system of petty tyranny cannot be watched too cautiously, nor guarded too strictly. The tender age of the sufferers forbids that its

slightest abuses should be tolerated. So long as the power to punish corporally in school exists, it needs to be put under wholesome restriction."

"Teachers should, therefore, understand that whenever correction is administered in anger or insolence, or in any other manner than moderation and kindness, accompanied with that affectionate moral suasion so eminently due from one placed by the law *in loco parentis*—in the sacred relation of parent—the courts must consider them guilty of assault and battery."

"All that can be done without the aid of legislation is to hold each case strictly within the rule; and if the correction be in anger, or in any other respect immoderately or improperly administered, to hold the unworthy perpetrator guilty of assault and battery."

Cooper vs. McJudkin, 4 Ind., 291.

The above case is one of the strongest in indicating the tendency of modern decisions, and, in keeping with this, it may be noted that the statutes of New Jersey provide that "No teacher shall be permitted to inflict corporal punishment upon any child in any school in this State."

SUSPENSION AND EXPULSION.

The district board is given power to authorize the suspension or expulsion of any pupil whenever the best interests of the school may demand it. What circumstances will warrant the suspension of

a pupil or the extreme penalty of expulsion is left to the judgment of the board. But the entire management of the school is so often left to the teacher that it sometimes occurs that he is forced to suspend a pupil, for the time being, without consulting the board.

If an obstinate or unmanageable pupil should refuse to obey reasonable requests or commands of the teacher and so conduct himself as to impair the usefulness of the teacher and disturb the school, he would be justified in suspending him even though the board had adopted no rule giving him authority to do so.

As a general rule the teacher should first report such a case to the board, but if the offending pupil is so refractory and incorrigible that his presence, even for a short time is detrimental to the interests of the teacher and other pupils, then the teacher may suspend without waiting for action on the part of the school-board. In case this is done the teacher should immediately report his action and give his reasons for the suspension. Inasmuch as the teacher can usually communicate with members of the school board without much inconvenience it will seldom become necessary to suspend a pupil before reporting the case for the action of proper officials. These principles are fully discussed in *The State vs. Burton*, 45 Wis., 150. See also 32 Vt., 224; 48 Cal., 36; 133 Mass., 103.

The expulsion of a pupil from school is un-

doubtedly the most severe penalty that can be visited upon him. The State has assumed the duty of furnishing each of her citizens with a good common school education, and has not merely furnished the means whereby all who will may be educated in free schools, but has also enacted compulsory laws which require that all children shall become so educated as to perform the duties required by good citizenship. Thus the education of the child becomes a matter of importance to the State; and any act that tends to deprive him of such training as he would naturally receive may become a serious obstacle to him in future years as well as a deep disgrace at the time of expulsion.

For these reasons, this penalty should be one of last resort, and should be used only when all other means have failed and the conduct and example of the pupil are of such a character as to create disorder and become a menace to the discipline and well-being of other pupils.

It has been held by some courts that in extraordinary cases a teacher may expel in order to maintain order and proper control of his school; and that in case the school board refuses to sustain him in this action, and reinstates the pupil whose presence becomes a menace to a proper discipline of the school, then he may quit the school and can maintain an action for the amount of his wages up to the time of leaving.

Scott vs. School Dist., No. 2, 46 Vt., 452.

The State vs. Williams, 27 Vt., 755.

But this is not the general rule, for the courts have very generally held that the power to expel rests with the school board alone, and that the teacher has merely the right to suspend until further action on the part of such board.

LENGTH OF TIME SUSPENSION MAY BE ENFORCED.

Our statutes are silent on this point and consequently the matter rests with the school board. The rule laid down and very generally followed by the courts requires that the pupil shall give satisfactory evidence of repentance for past misconduct and a sincere promise of good behavior in the future. Whenever this is done it undoubtedly becomes the duty of the school board to re-admit him to the privileges of the school; for these privileges are the inherent rights of all pupils of school age, and no school board would be justified in depriving them of such rights except upon continuation of the causes that led to expulsion in the first instance.

A case decided by the State Commissioner of Public Schools of Rhode Island, by whom cases pertaining to the management of schools are decided on appeal, sustains these views. A pupil resisted the principal of the Woonsocket High Schools and refused to be governed by him. For this offense he was suspended by the teacher. The matter was referred to the school board who sustained the teacher in his action, but voted to im-

mediately and unconditionally re-admit the pupil. The teacher appealed from this decision to the State Commissioner who declared the act of the school board null and void because the re-admission of a pupil without acknowledgment of wrong, repentance, or promise of better conduct in the future tends to destroy the discipline of the school and usefulness of the teacher. The following is a portion of the opinion:

“No punishment has yet been inflicted for the offense committed, save that indirectly following the publicity of suspension from school; and so far as the vote of the committee extends, there has been no requirement made which secures to the governing power of the school the recognition of the violation of law, or a proper pledge of future obedience. If the scholar so disobeying be allowed to return to the school room without such acknowledgment of wrong, or promise of future obedience, the discipline of the school would instantly be degraded to the position occupied by the offender, and to a state of discord in harmony with the offense. On the other hand, the recognition, on the part of the offender, of the offense committed, as well as an acknowledgment of the authority of the teacher to regulate the internal police of his school, with a pledge of future obedience, not only honors proper and legitimate government and establishes it upon a proper basis, but it also honors the instinctive regard for truth, virtue, and correct

deportment on the part of those who may have fallen into fault, perhaps hastily and thoughtlessly. Upon this view of the case stands the whole question of good government and discipline at home or at school."

"If the parent or teacher be at once deprived of the power of judging of the value of an offense, from its intrinsic character and its attendant circumstances, and also of the power to administer merited punishment for offenses, as well as of the granting of pardon and forgiveness on the ground of true reformation, the whole foundation and superstructure of disciplinary government are thrown down, and misrule must and will prevail."

"The wise and judicious teacher is jealous of his true rights and prerogatives, and is the best judge as to the influences of the school room, which help on the one hand to maintain, and on the other to subvert, good government. The look and the gesture may mean more of good or ill than the word and the act; and it would not tend to the welfare of our schools, or to the support and dignity of home or school government, to subject every act of the teacher or the parent to the severe tests of legal scrutiny, or the partisan attacks of interested counselors. * * I am forced to the conclusion that it would not be for the welfare of the schools to allow this vote to be carried into effect, and I therefore declare said vote to be null and void."

INDEX.

	PAGE.
AGRICULTURAL COLLEGE.	
Trust Fund for,	15
How Originated,	33
Established,	34
Lands for,	34
College Farm,	35
How Controlled,	35
Labor by Students,	36
Instruction at,	36
First in the Union,	37

ANNUAL SCHOOL MEETING.

(See Meetings.)

ASSESSOR.

(See District Board.)

ABSENCE.

On Church Holy Days,	109-115
On School Days,	115-120

ACTS OF PUPILS COMMITTED OUT OF SCHOOL.

Teacher's Authority Over,	120-124
Decisions Relating to,	121

BOARDING AROUND.

During Territorial Period,	22
Bill of Fare,	23
The Settler's Home,	23
Recreations,	25
Early Farms,	25

BOARD OF REGENTS.

During Territorial Period,	40
Constitutional Provision for,	62
To Control the University,	62
When Elected,	62
To Elect a President of the University,	62

BIBLE.

School Board to Control the Use of,	134-144
Constitutional Rights,	135
The Right to Compel its use Denied,	140

BOARD OF SCHOOL INSPECTORS.

(*See Township Board of School Inspectors.*)

BOARD OF EXAMINERS.

How Composed,	94
Election of Members of,	94
Term of Office,	94
Duties of,	94
Secretary of,	95
Removal of Members of,	95

COLLEGES.

(*See Denominational and Private Schools and Colleges.*)

CERTIFICATES.

Grades of, When Granted,	80
Branches Required,	79
To Whom Granted,	80
Special Certificates,	80
Revocation and Suspension of,	80
Indorsement of,	81
Normal School Certificates,	82
State Certificates,	83

COMPULSORY EDUCATION.

(*See Reform School for Boys and Industrial Home
for Girls.*)

CONTRACTS.

With Teachers,	84
Director to Sign,	84
Must be in Writing,	84, 104
Contents of,	84
With an Unqualified Teacher,	84
To Commence <i>in futuro</i> ,	85, 106
Ratification of Void Contract by Acts of Board	86, 104
Effect of Statutes on,	104
Made Without Meeting of District Board	104
To Mention Time of Duration,	105
Contracts of Minors,	107

CORPORAL PUNISHMENT.

When to be Resorted to,	144
Decisions Relating to,	145-150
Degree of Punishment,	147
Objects of Punishment,	148
Its Use Condemned,	149

DENOMINATIONAL AND PRIVATE SCHOOLS AND COLLEGES.

Legislative Provision for,	55
List of,	55
Visitation of,	56

DISTRICTS.

(See *School District*.)

DIRECTOR.

To Notice School Meetings,	66
Executive Officer of the District,	69
Term of Office,	69
To Take School Census,	72

DISTRICT BOARD.

To Call Special Meeting,	66
------------------------------------	----

	PAGE.
How Composed,	69
Who May Become a Member of,	70
Members Cannot Act as Agents for Books, Apparatus, etc.,	70
To Make Rules for the Government of the School, . .	71
To Specify Studies,	71
To Adopt Text-Books,	71
May Open School House for District Meetings, . . .	72
Cannot Maintain Sectarian Schools,	72
To Contract With Teachers,	84
Majority of May Act,	70

EXAMINATIONS.

Regular, When Held,	78
Special Examinations,	79
Notice for,	79
Questions for,	79

EXPULSION.

(See *Suspension and Expulsion.*)

FREE SCHOOLS.

Opposition to,	28
Constitutional Provision for,	29, 61
Benefits of,	30
Instruction in English,	61

FREE TEXT-BOOKS.

Meeting to Secure,	91
Who May Vote for,	91
Tax to Purchase,	91
List of Books,	91
Who May Own Books,	92
How Books are Purchased,	92
Fine for Violating the Law,	93

GRADED SCHOOLS.

Definition of,	89
--------------------------	----

How Controlled,	89
---------------------------	----

HOLIDAYS.

For Teachers,	85
-------------------------	----

INDUSTRIAL HOME FOR GIRLS.

When Established,	50
Who May Become Inmates of,	51
How Managed,	51
Where Located,	51
Age of Inmates,	51
Course of Instruction,	51
Truants From School Placed in,	96

INSTITUTE FEES.

When Collected,	83
Amount of,	83
Who Must Pay,	83
Use of,	83

IRREGULAR ATTENDANCE AND TARDINESS.

Detrimental to Schools,	115
Decisions Relating to,	116-120

JANITOR WORK.

Cannot be Required of Teacher,	107
--	-----

LIBRARIES.

Constitutional Provision for,	76
Who May Use,	76
By Whom Controlled,	76
District Library,	76
List of Books for,	76
How Supported,	77

MICHIGAN.

Organized as a Territory,	13
-------------------------------------	----

	PAGE.
Admitted Into the Union,	13
Management of School Lands,	14
First to Establish an Agricultural College,	37
Appointed First Superintendent of Public Instruction,	40
Established First Public School for Dependent Children,	44

MEETINGS.

Annual, When Held,	66
Change of Annual Meeting,	66
Special, How Called,	66
Powers of Voters at,	67
To Determine Amount of Schooling,	68
Public, Use of School House for,	72

MODERATOR.

(*See District Board.*)

MONEYS.

(*See School Moneys.*)

MICHIGAN MINING SCHOOL.

When Established,	37
Where Located,	37
Course of Instruction,	38

NORTHWEST TERRITORY.

Sale of Lands in,	10
-----------------------------	----

NORMAL SCHOOL.

(*See State Normal School.*)

ORDINANCE OF 1787.

Provides for the Government of the Northwest Terri- tory,	10
Reserves School Lands,	11
Excludes Slavery,	12

PRIMARY SCHOOL FUNDS.

How Obtained,	14
-------------------------	----

INDEX.

vii.

PAGE.

When Divided,	87
How Used,	89

PHYSIOLOGY AND HYGIENE.

Text-Books for,	71
Who Must Study,	71

PRIVATE SCHOOLS.

(See Denominational and Private Schools and Colleges.)

PUBLIC SCHOOL FOR DEPENDENT CHILDREN.

(See State Public School for Dependent Children.)

RATE BILL.

How Raised,	26
Detrimental to Schools,	27

REFORM SCHOOL FOR BOYS.

Location of,	47
Who May Become Inmates of,	48
Age of Inmates,	49
Educational Features of,	49
How Managed,	50
Proceedings to Apprehend Truants and Others,	96

RULES AND REGULATIONS.

District Board to Make,	71
Object of,	101
Must be Reasonable,	101
By Separate Members of the Board,	102
Made by the Teacher,	102
Concerning Absence from School,	109-120
Concerning the Selection of Studies,	124-134
Concerning the Use of the Bible,	134-144
Concerning Corporal Punishment,	144-150
Concerning Suspension and Expulsion	150-155

SCHOOL LANDS.

Origin of,	10
----------------------	----

	PAGE.
Sale of,	17
Price of,	17
Proceeds of Sale of, How Used,	61

SUPERINTENDENT OF PUBLIC INSTRUCTION.

John D. Pierce,	28
Michigan Appoints the First,	40
Derivation of Power of,	61
Election of,	61
Vacancy in the Office of,	61
Member of Board of Education,	62
To Hold State Institute,	83
To Apportion Primary School Money,	87

STUDIES.

District Board to Specify,	71
Selection of,	124
Parent's Right to Select,	127
Decisions Relating to,	124-134

SCHOOL MONTH.

Length of,	85
----------------------	----

STATE NORMAL SCHOOL.

Origin of,	31
How Controlled,	31
Courses in,	32
Training School,	32
Certificates From,	82

STATE BOARD OF EDUCATION.

To Control Normal School,	31, 62
How Composed,	62
Election of Members of,	62
To Make List of Library Books,	76
To Grant Normal School Certificates,	82
To Grant State Certificates,	83

STATE PUBLIC SCHOOL FOR DEPENDENT
CHILDREN.

Location of,	44
When Established,	44
Object of,	45
Who May Become Inmates of,	45
Instruction Given,	46
Homes for Inmates,	46
How Managed,	47

SCHOOL FOR THE DEAF AND DUMB.

When Established,	52
Where Located,	52
Instruction Given,	53
Employment of Inmates,	53

SCHOOL FOR THE BLIND.

Origin of,	53
Instruction Given,	54
Departments of,	54

SCHOOL DISTRICTS.

Formation of,	64
Size of,	64
Fractional,	64
Corporate Powers of,	65
How Altered,	65
To Raise Money,	67
Length of Term for,	68
Who May Attend School in,	73

SCHOOL MONEYS.

Primary School Money,	87
One-Mill Tax,	88
Dog Tax,	88
District Taxes,	88
How Forfeited,	89

SCHOOL YEAR.

When to Commence,	66
-----------------------------	----

SPECIAL MEETINGS.

(*See Meetings.*)

SCHOOL MEETINGS.

(*See Meetings.*)

SALARIES.

Of District Officers,	70
Of Secretary of Board of Examiners,	95
Of Other Members,	95

SUSPENSION AND EXPULSION.

Authorized by District Board,	71, 150
When Teacher May Suspend,	151
Length of Time of Suspension,	153
Decisions Concerning,	150-155

TERRITORY OF INDIANA.

Divisions of,	13
-------------------------	----

TRUST FUNDS.

Classes of,	14
Are Perpetual,	16
How Increased,	16

TERRITORIAL SCHOOLS.

Description of,	19-30
Branches Taught in,	20
Wages Paid,	20
Holidays,	22
Homes of Pupils,	23
Recreation,	25

TOWNSHIP BOARD OF SCHOOL
INSPECTORS.

To Form New Districts,	64
To Number Districts,	64
To Alter Districts,	65
How Composed,	74
Election of Members,	74
Powers and Duties of,	74
Who May Become Members,	74
To Elect a Chairman,	75
Duties of Chairman of,	75
To Control Township Library,	76

TEACHERS.

District Board to Hire,	71
Must be Qualified,	71, 89
To Certify to the Teaching of Physiology,	71
Cannot Adopt New Studies,	71
Who Are Legally Qualified,	78
Examination of,	78
Revocation of Certificates of,	80
To Pay Institute Fee,	83
May Close School to Attend an Institute,	84
Contracts with,	84, 103
Void Contract of,	84
Close of School on Account of Disease,	85
Garnishment of Wages,	85
Holidays for,	85
Sweeping, Building Fires, Etc.,	85, 107
May Make Rules for School,	102
Detention of Pupils after School Hours	108
Studies Selected by,	124
Should Not Force Use of Bible,	140
May Suspend Pupils,	150
Expulsion of Pupils by,	150

TAXES.

(See *School Moneys.*)

TRUANTS.

Proceedings to Apprehend,	96
-------------------------------------	----

TARDINESS.

(See Irregular Attendance and Tardiness.)

UNIVERSITY OF MICHIGAN.

Trust Fund for,	15
Origin of,	38
Lands for,	38
Constitutional Provision for,	39
Original Preparatory Branches of,	40
Admission of Women to,	40
Courses of Study,	41
Buildings and Departments,	41
Who may Attend,	42
President of, How Elected,	62
How Controlled,	62

UNION SCHOOLS.

How Formed,	89
How Controlled,	89

VOTERS.

At District Meetings,	67
Qualifications for,	67
Challenging of,	67
Punishment for Illegal Voting,	67
Powers of, at District Meetings,	67

VACANCIES.

In District Board, How Filled,	69
--	----

WOMEN.

Admitted to the University,	40
May Become District Officers,	70
May Become School Inspectors,	74



LIBRARY OF CONGRESS



0 022 124 014 5